The City Council of the City of Raleigh met in a regular session on Tuesday, January 15, 1985 at 1:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

The Mayor called the meeting to order and invocation was rendered by the Reverend William M. Jeffries of Longview United Methodist Church. Mayor Upchurch expressed appreciation to Reverend Jeffries and the Raleigh Ministerial Association for providing ministers for the invocation. The following actions were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - DRUG AWARENESS WEEK - PROCLAIMED

Mayor Upchurch read a proclamation proclaiming January 15-21 as Drug Awareness Week in the City of Raleigh. The Proclamation was accepted by Dr. Stanley Smith and Dr. Thomas Key of Shaw University. Mayor Upchurch indicated Shaw University is sponsoring some large events in the City during Drug Awareness Week. It was pointed out that on Thursday, January 17, the premiere of a movie, Torchlight, staring Pamela Sue Martin will be held at the Mission Valley Inn. It was indicated that Anti-Drug Workshops, etc. will be held during this week.

CONTRIBUTION - COMMUNITY UNITED CHURCH OF CHRIST - NOTED

Mayor Upchurch indicated the City of Raleigh has received a check in the amount of $250 from Community United Church of Christ, pointing out the check was sent to the City in lieu of taxes. Mayor Upchurch, on behalf of the City, expressed appreciation to the Church.

CERTIFICATES OF APPOINTMENTS - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Transit Authority - Joseph Edwards; Raleigh/Durham Airport Authority - George Willoughby.

GOVERNOR - POLICY ADVISOR - INTRODUCED

Mayor Upchurch introduced Jack Hawke, Policy Advisor to newly elected Governor Martin. He expressed appreciation to Mr. Hawke in his interest expressed in the City.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor request discussion on an item, the item will be removed from the Consent Agenda and considered separately. He explained the vote on the Consent Agenda would be a roll call vote. Mr. Walters requested that the item relating to stop signs being changed to yield signs be withdrawn. Mr. Calloway requested that the proposed public hearing relating to the revised Community Development Block Grant be withdrawn. Mr. Congleton requested that the transfer relating to Shelley/Sertoma Basketball slab be withdrawn. City Manager Benton requested that the item relating to filing of a grant from the Council of Status of Women be withdrawn as the City has learned there are no funds available at this time, therefore there is no need to discuss the item. Mr. Benton requested that Bid Request 84-45 relating to tractors be withdrawn, pointing out Administration needs to do further analysis on this item and it would be brought back to Council at a later date. City Manager Benton indicated PU 1984-13 - Spring Forest Road is on the Agenda requesting a public hearing. He pointed out this is an error as the public hearing is scheduled for later in this meeting. Without objection, all items were withdrawn as requested. Mr. Walters moved that administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PRIVILEGE LICENSE - HEALTH SYSTEMS - APPROVED

This is an application for a massage business license for "Health Systems," located at 3203 Woman's Club Drive, Suite 110. The owners, Diane Ursone and Gayle Stone, are the individuals making the application. City Code Section 12-2134 requires City Council approval before a license may be issued for a massage business.

Police, Building/Zoning, and Fire reports indicate approval.

Recommendation: It it recommended that this privilege license be approved. Consent Agenda approval: Walters/Cates - 8 ayes.

CAT PAINT BOOTH - ARCHITECTURAL SERVICES - CONTRACT WITH OWEN SMITH APPROVED

The Council has previously approved retention of Owen Smith to provide architectural services for this project, subject to Administration being able to negotiate a contract.

Administration has developed a proposed services contract which would provide for a fixed fee of $9,650 (total estimated project cost - $115,954). This fee would cover all design services, bid services, construction inspection, and provision of reproduced specifications and plans.

Recommendation: That Council approve the contract with Owen Smith with the final terms subject to concurrence by the Federal government since UMTA funds are being used. Consent Agenda approval: Walters/Cates - 8 ayes.

FIRE PROTECTION AGREEMENT - WAKE NEW HOPE FIRE DEPARTMENT - APPROVED - FUNDS APPROPRIATED

The City has an agreement with the Wake New Hope Fire Department to provide fire protection services to the North Boulevard Mini City area which was annexed in December, 1983. It is necessary to extend this agreement for another year (January 1, 1985, through December 31, 1985). A copy of the proposed agreement was included in the Council Members' Agenda packet. The annual payment would be $27,445.68.

Recommendation: That the Council approve the agreement with Wake New Hope Fire Department. The Agenda listed a transfer of funds for the remainder of FY-84-85 that needs to be made if the agreement is approved. Consent Agenda approval: Walters/Cates - 8 ayes. See Ordinance 473 TF 13.

EMERGENCY JOB BILL - HOMEMAKER HOME HEALTH AIDE SERVICES - CONTRACT EXTENDED

The City has funded this agency for $10,000 from the Emergency Jobs Bill. At present the unexpended balance is $793.06.

Recommendation: That the City Council authorize extending the contract with this agency until the remaining funds from the appropriation of $10,000 is expended. Consent Agenda: Walters/Cates - 8 ayes.

STORM DRAINAGE PROJECTS - THOREAU DRIVE AND WINGATE DRIVE - APPROVED

Drainage problems adjacent to City streets have been identified at 1008 Thoreau Drive and 4525 Wingate Drive. Under the terms of the City storm drainage policy, these two locations fall within the full responsibility of the City subject to the property owners giving full access to the City for the necessary work. The property owners have agreed to these provisions.

Recommendation: That the City Council authorize the Public Works Department to repair the damage to storm drainage facilities as petitioned by the affected property owners. Consent Agenda approval: Walters/Cates - 8 ayes.

DESIGNER SOFTWARE SERVICES, INC. - CONTRACT ADJUSTMENT - APPROVED - FUNDS APPROPRIATED

This firm is retained to work with staff on designing a computer system for land records and permits control. The needs for this program are significant and additional consultant work is necessary. It would be desirable to amend the scope of work of the consultant to include additional work at a cost of $4,000.

Recommendation: That the agreement with Designer Software Services, Inc., be increased by $4,000 and an appropriation of the same amount from Contingency be authorized. Consent Agenda Approval: Walters Cates - 8 Ayes. See Ordinance 473 TF 13.

MUNICIPAL BUILDING PARKING DECK - CONTRACT RETAINAGE REDUCED TO 5%

The contractor for the parking deck is finally very near completion. A number of minor work items remain but they do not represent large expenditures. The landscaping is not within their contract. The City has a separate contract for the landscaping. The City is currently retaining 10 percent of the contract amount. If the retainage is reduced to 5 percent, the City would still have $133,712.68 remaining to be paid to the contractor.

Recommendation: While the work progress continues to be less than desirable, the City would retain a significant amount of the contract funds if the retainage is reduced to 5 percent and it is therefore recommended that the Council approve retainage reduction to 5 percent. Consent Agenda approval: Walters/Cates - 8 ayes.

TAXICAB OWNERS PERMIT - APPROVED ON SECOND AND FINAL READING

During the December 18, 1984 Council Meeting, the following applications for taxicab owners permit were approved on a first reading:

William Jones, Ebony Cab Company (New Individual Owner's Permit)

Rodfer Coris Sessoms, Capital Limousine Service (New Limousine Franchise)

Recommendation: That the applications be approved on a second and final reading. Consent Agenda Approval: Walters/Cates - 8 ayes.

TAXICAB OWNERS PERMIT - APPROVED ON FIRST READING - TO BE PLACED ON FEBRUARY 5, 1985 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City Code. Approval is recommended. If approved, these applications will be placed on the February 5, 1985, Agenda for second and final consideration.

Willie Louis Brooks, Research Triangle Taxi and Transfer (New Individual Owner's Permit)

William Rolland, Ebony Cab Company (New Individual Owner's Permit)

Nelson Ndwiga Ngari, Safeway Cab Company (New Individual Owner's Permit)

Melvin Webster, City Taxi Company (New Individual Owner's Permit)

Mrs. Lucille Crowder, Rainbow Cab Company (New Individual Owner's Permit)

Willie Yarbrough and William Hall, Rainbow Cab Company (Renewal of Individual Owner's Permits)

Consent Agenda approval: Walters/Cates - 8 ayes.

BUDGET AMENDMENT - INSPECTIONS DEPARTMENT - AUTHORIZED

The Agenda presented a recommended budget amendment in the amount of $3,000 to appropriate the collection of monetary penalties received for failure to correct violations of soil erosion and sedimentation measures as stated in Section 10-5013 into a school training account. Administration recommends approval of the budget amendment. Consent Agenda approval: Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 472

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Budget be amended as follows to appropriate the collection of the monetary penalties received for failure to correct violations of soil erosion and sedimentation measures as stated in Section 10-5013 of Code:

Revenue:	01-1-0070-0200	Misc. Account	$ 3,000.00
Expense:	01-2-1240-0282	School Training	$ 3,000.00

Section 2. That the budget be amended as follows to provide additional funding for amended Off-Street Transit Facility associated with Wilmington Street pedestrian connection and parking deck:

Revenue:	42-1-6000-0100	UMTA NC-05-0031	$474,296.80
	42-1-6000-0101	STATE 84-C-01	59,287.10
	42-1-6000-0102	City	59,287.10
Expense:	42-2-6000-0100	Administration	5,000.00
	42-2-6000-0101	Construction	471,221.00
	42-2-6000-0103	Right-of-Way	116,650.00

Adopted: 1/15/85

PRIVILEGE LICENSE - REFUND REQUEST - AUTHORIZED

Written request for a refund of the 1984-85 privilege license year has been received from Mr. A. Earl Smith, representing "Computer South of Raleigh," located at 3028 Old Wake Forest Road. The amount of the refund is $362.50. Administration has verified that an overpayment of this year's taxes had been made.

Recommendation: That the amount of $362.50 be refunded to Computer South of Raleigh. Consent Agenda approval: Walters/Cates - 8 ayes.

CIVIC CENTER - RENT-FREE USE - RECEIVED AS INFORMATION

(1) Approval has been granted for rent-free use of a meeting room at the Civic Center on Monday, March 11, 1985, in order to hold the annual meeting of the Credit Union membership.

(2) Approval has been granted for the rent-free use of the VIP Room at the Civic Center on January 24 for the Economic Development Round Table.

Consent Agenda approval: Walters/Cates - 8 ayes.

UTILITY ACCOUNTS - REQUESTED REFUNDS - INFORMATION RECEIVED

The Council has previously requested that they be notified of refunds to customers of water/sewer accounts involving errors by the City and/or customer.

(1) Name: Laurie S. Hall
Address: 1104-D West Lenoir Street
Amount: Refund $67.89

Reason:

The City has checked and has determined that this property has crossed water lines.

(2) Name: John Fleming
Address: 1104-C West Lenoir Street
Amount: $68.04

Reason:

The City has checked and has determined that this property has crossed water lines.

Consent Agenda approval: Walters/Cates - 8 ayes.

CIVIC CENTER ADDITIONS - CHANGE ORDER 771-P1 - MANAGER'S ACTIONS CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order 771-P1 - Triangle Mechanical Contractors Incorporated relating to the Civic Center addition. The Agenda outlined the need for the change order as well as code accounts that have been administratively amended. Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Cates - 8 ayes.

GLEN EDEN PILOT PARK - CHANGE ORDER G-1 - MANAGER'S ACTION CONCURRED WITH

The Agenda indicated the City Manager has administratively approved Change Order G-4 - NewKor Construction, Incorporated. The change order does not require additional money and is the result of the contractor's error in excavating the foot into the proper depth of the building. The plan has been revised to allow the footings to remain at the elevations at which they were poured, in lieu of removal, excavating, and repouring to elevation on the drawings.
Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Cates - 8 ayes.

ATLANTIC AVENUE SECTION 1 - CHANGE ORDER #2 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #2 - C. C. Mangum Incorporated relating to Atlantic Avenue, Section 1 (Highwoods). The change order is for an addition of $52,082.16, and is a contract finalization. The Agenda also outlined budget accounts that need to be amended if the change order is approved. Administration recommends approval of the change order and transfers as outlined. Consent Agenda approval: Walters/Cates - 8 ayes. See Ordinance 473 TF 13.

MILLBROOK ROAD/ATLANTIC AVENUE - CHANGER ORDER 1 - APPROVED - FUNDS APPROPRIATED

Change Order # 1 - Dellinger, Incorporated relating to Millbrook Road/Atlantic Avenue was presented. The change order is for $22,668 and is needed to add 8-inch gravity sewer work. Administration recommends approval of the change order as well as the transfer as outlined on the Agenda. Consent Agenda approval: Walters/Cates - 8 ayes. See Ordinance 473 TF 13.

WATER LINE EXTENSION - ATLANTIC AVENUE - CHANGE ORDER #2 - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order #2 - Dellinger, Incorporated relating to the water line extension - Atlantic Avenue. The change Order is an addition of $17,180 and is needed because of the installation of a 48-inch storm sewer in Winton Road. The Agenda outlined the budget accounts that should be amended. Administration recommends approval of the changer order and transfers as outlined on the Agenda. Consent Agenda approval: Walters/Cates - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been approved administratively according to Council policy. Concurrence with the Manager's action is recommended. Consent Agenda approval: Walters/Cates - 8 ayes. The transfers were as follows:

FROM	TO	AMOUNT
01-2-3050-0600	01-2-3050-0700	$250.00
01-2-1220-0265	01-2-1220-0701	4.36
01-2-5060-0605	04-2-5060-0735	26.90
19-2-8250-0534	19-2-8250-0279	300.00
43-2-6000-0100	43-2-6200-0200	367.68
01-2-6010-0675	01-2-6010-0600	65.00
01-2-4110-0265	01-2-4110-0716	19.00
01-2-1040-0001	01-2-1030-0231	700.44
02-2-4390-0228		500.00
02-2-4390-0240		150.00
02-2-4390-0265		350.00
18-2-0500-0227	18-2-0500-0702	150.00
01-2-5020-0700	01-2-5010-0213	350.00
01-2-1230-0281	01-2-1230-0730	68.15
01-2-1040-0001	01-2-1220-0231	895.69
01-2-1040-0001	01-2-3050-0236	715.00
01-2-1040-0001	01-2-1160-0265	850.00
01-2-3030-0234		900.00
01-2-3030-0702		14.75
01-2-3030-0704		18.74
	01-2-3030-0260	933.49
01-2-5050-0239	01-2-5050-0704	157.00
19-2-8360-0600	19-2-8360-0700	300.00
19-2-8360-0260	19-2-8360-0700	50.00
18-2-0400-0270	18-2-0400-0261	950.00
01-2-4020-0229	01-2-4020-0236	50.00
19-2-8010-0534	19-2-8010-0213	150.00
19-2-8020-0534	19-2-8020-0260	250.00
19-2-8360-0260	19-2-8010-0260	100.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda presented recommended transfers in the Community Development, Parks and Recreation and Public Utilities Departments with recommendation of approval. Consent Agenda approval: Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) - 473 TF 13

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Contingency	$ 7,000.00
To 01-2-1010-0231	Travel & Ent.	7,000.00
Purpose: To fund Legislative Reception.		
From 01-2-1040-0001	Contingency	$ 1,000.00
To 01-2-4010-0278		1,000.00
Purpose: To allow police attorney to travel to California to take deposition relating to Workmen's Compensation case.		
From 01-2-1040-0001	Contingency	$ 9,446.00
To 01-2-4130-0265	Other Services	9,446.00
Purpose: Agreement with Wake New Hope Fire Department for remainder of FY.		
From 32-2-1200-0100	Industrial Access Roads	$ 9,000.00
To 32-2-5037-0102	Cross Link I Eng.	9,000.00
Purpose: To fund contract with Envirotek to do engineering for portion of Cross Link Road		

From 01-2-1040-0001	Council Contingency	$ 4,000.00
To 01-2-3050-0235	Computer Software	4,000.00

Purpose: To fund modifications made by Designer Software.

From 35-2-4020-0200	Winton Road Extension	$30,000.00
From 35-2-3010-0100	Winton Road Extension	3,831.49
From 35-2-4000-0110	PW 1983-3, Wake Forest Road	18,250.67
To 35-2-4020-0201	PW 1983-6, Atlantic Avenue	52,082.16

Purpose: Contract Change Order - C. C. Mangum Inc., PW 1983-6, #2.

From 06-2-7100-0002	Public Utilities Contingency	$22,668.00
To 84-2-1408-0101	WS 1984-1	22,668.00

Purpose: Change Order - WS 1984-1, Dellinger, Inc., #1.

From 32-2-1000-0100	Council Reserve	$17,180.00
To 84-2-1408-0101	WS 1984-1	17,180.00

PUrpose: Change Order - WS 1984-1, Dellinger, Inc., #2.

From 43-2-5051-0102	Relocation/NBP	$10,176.16
To 43-2-5051-0106	Archaeological Survey/NBP	10,176.16

Purpose: Providing funds to perform archaeological survey for White Holman House.

From 43-2-3050-0200	ED Planned Prog. Inco.	$63,000.00
To 43-2-3020-0100	Acq. of Real Property	63,000.00

Purpose: Providing additional funds for acquisition of real property.

From 43-2-3060-0100	Loans & Grants	$21,000.00
To 43-2-3300-0100	Incentive Housing	21,000.00

Purpose: Providing additional funds to reimburse developers for tap-on fees, curb cuts and parking pads, etc. under the Incentive Housing Program.

From 43-2-5052-0104	Public Facilities Imp/DTE	$13,500.00
To 43-2-5051-0105	Design Services NBP (Phase II)	13,500.00

Purpose: For design of Phase II Public Facilities Improvements New Bern Place.

From 37-2-8995-0200	Leadmine Creek	$20,000.00
To 37-2-8985-0100	Crabtree Creek	20,000.00

Provide: Create adequate funds in the Crabtree Creek Greenway account to construct bridge on the Fallon Creek Trail.

From 37-2-1000-0100	Council Reserve	$ 4,500.00
To 37-2-1600-0110	Shelley/Sertoma BB Slab	4,500.00

Purpose: To provide additional funds necessary to build a basketball slab with related grading and improvements.

From 06-2-7100-0002	Contingency	$66,000.00
To 06-2-7050-0797	Portable Generator	60,000.00
From 81-2-1081-0102	NRWWTP-Phase II	6,000.00

Purpose: To purchase portable generator.

From 06-2-7030-0225	Repairs to Bldg. & Str.	$10,000.00
To 06-2-7030-0799	Buffer/Scrubber	10,000.00

Provide: Purchase buffer and scrubber for floors at Water Plants.

From 43-2-6000-0109	So. Park Eng.	$ 8,000.00
43-2-6000-0106	Lee Street Mini Park	367.68
43-2-6000-0107	Ellington St. Cul.	12,400.00
43-2-6000-0100	Pub. Fac. Imp.	33,080.21
43-2-6000-0104	State Street Drainage	1,102.61
To 43-2-6000-0105	Davie St. Widening	50,950.50
43-2-6000-0110	Davie St. Design	4,000.00

Purpose: Providing additional funds to widen Davie Street between Alston and Camden Streets, north side.

Adopted: 1/15/85

BID REQUEST 84-42 - POLICE RADIOS - BID AWARDED TO GENERAL ELECTRIC COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 3, 1985 for police radios with results as follows: Mobile Radios - General Electric - $1,204.00 each, Motorola C&E Incorporated - $1,439.15 each: Portable Radios - General Electric - $1,654 each, Motorola C&E Incorporated - $1,975.00 each. Administration recommends the low bid submitted by General Electric Company on each item be awarded. Consent Agenda approval: Walters/Cates - 8 ayes.

BID REQUEST 84-43 - POLICE AND FIRE UNIFORMS - BID AWARDED TO AMERICAN UNIFORM SALES

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 3, 1985 for police and fire uniforms with results as follows:

BIDDER	(Quan.)	AMERICAN UNIFORM SALES	HUB-STINNETTE UNIFORM, INC.
Police Long Sleeve Shirt	(528)	$ 12.70 ea	$ 13.00 ea
Police Short Sleeve Shirt	(414)	11.10	11.40
Fire Long Sleeve Shirt	(925)	11.50	11.75

BIDDER	(Quan.)	AMERICAN UNIFORM SALES	HUB-STINNETTE UNIFORM, INC.
Fire Short Sleeve shirt	(875)	9.60	9.85
Police Trousers	(420)	33.50	37.00
Fire Trousers (Dress)	(75)	33.50	33.00
Fire Trousers	(700)	17.65	18.50

Administration recommends the low bid submitted by American Uniform Sales be accepted. Consent Agenda approval: Walters/Cates - 8 ayes.

BID REQUEST - 84-14 - BASEBALL EQUIPMENT - JOINT AWARD MADE TO B&S CORPORATION, DURHAM SPORTING GOODS, AND JOHNSON-LAMBE COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agenda on January 3, 1985 for baseball equipment with results as follows:

Item 1 Baseballs, Little League

BSN Corporation	19.95 doz.
Durham Sporting Goods	29.93
Graves-Humphreys	34.68

RECOMMEND: BSN CORPORATION

Item 2 Baseballs, Jr. and Sr. League

Durham Sporting Goods	38.38 doz.
Johnson-Lambe Company	39.53
Oxford Sporting Goods	41.90
Graves-Humphreys	45.60

RECOMMEND: DURHAM SPORTING GOODS

Item 3 Baseballs - Practice

Johnson-Lambe Co.	19.86 doz.
Oxford Sporting Goods	25.40
Durham Sporting Goods	27.43
Graves-Humphreys	32.52

RECOMMEND: JOHNSON-LAMBE CO.

Item 4 Aluminum Bats - Little League

BSN Corporation	116.52 doz.
Graves-Humphreys	118.08
Johnson-Lambe Co.	129.73
Durham Sporting Goods	141.00

RECOMMEND: BSN CORPORATION

Item 5 Bases, Double Strap

Johnson-Lambe Co.	25.93 set
Durham Sporting Goods	26.00
BSN Corporation	26.93
Graves-Humphreys	44.35

RECOMMEND: JOHNSON-LAMBE CO.

Item 6 Home Plates

Durham Sporting Goods	10.50 ea.
Johnson-Lambe Co.	12.53

RECOMMEND: DURHAM SPORTING GOODS

Item 7 Base Spikes

Durham Sporting Goods	.55 ea.
Graves-Humphreys	.56
Johnson-Lambe Co.	.63

RECOMMEND: DURHAM SPORTING GOODS

Item 8 Head Protectors - Little League

Johnson-Lambe Co.	7.31 ea.
Durham Sporting Goods	7.81
Oxford Sporting Goods	8.45
Graves-Humphreys	8.78

RECOMMEND: JOHNSON-LAMBE CO.

Item 9 Head Protectors - Jr. and Sr. League

Johnson-Lambe Co.	9.73 ea.
Oxford Sporting Goods	10.40
Durham Sporting Goods	10.62
Graves-Humphreys	11.53

RECOMMEND: JOHNSON-LAMBE CO.

Item 10 Chest Protectors, Umpire

Johnson-Lambe Co.	19.43 ea.
Durham Sporting Goods	24.93
Graves-Humphreys	26.67
Oxford Sporting Goods	26.95

RECOMMEND: JOHNSON-LAMBE CO.

Item 11 Hollywood Bases

BSN Corporation	108.19 set
Oxford Sporting Goods	110.00
Johnson-Lambe Co.	117.42
Durham Sporting Goods	123.75
Graves-Humphreys	146.47

RECOMMEND: BSN CORPORATION

Item 12 Catchers Mitt - Little League, Left Hand

Durham Sporting Goods	24.66 ea.
Johnson-Lambe Co.	28.87
Graves-Humphreys	28.88

RECOMMEND: DURHAM SPORTING GOODS

Item 13 A Catchers Mitt - Sr. League, Left Hand

Durham Sporting Goods	35.30 ea.
Johnson-Lambe Co.	41.23

RECOMMEND: DURHAM SPORTING GOODS

B Catchers Mitt - Sr., League, Right Hand

Durham Sporting Goods	37.43 ea.
Johnson-Lambe Co.	37.43

Recommend: DURHAM SPORTING GOODS

Item 14 Catchers Mask - Little League

BSN Corporation	5.23 ea.
Johnson-Lambe Co.	7.47
Durham Sporting Goods	9.06
Graves-Humphreys	9.73

RECOMMEND: BSN CORPORATION

Item 15 Catchers Helmet - Little League

Johnson-Lambe Co.	9.72 ea.
Durham Sporting Goods	11.50
Graves-Humphreys	13.10

RECOMMEND: JOHNSON-LAMBE CO.

Item 16 Batting Tee

BSN Corporation	16.11 ea.
Durham Sporting Goods	16.87
Johnson-Lambe Co.	19.80
Graves-Humphreys	20.50

RECOMMEND: BSN CORPORATION

Item 17 Replacement Tubes

Johnson-Lambe Co.	3.70 ea.
BSN Corporation	5.00
Durham Sporting Goods	6.25

RECOMMEND: JOHNSON-LAMBE CO.

Administration's recommendation is outlined on each item. Consent Agenda approval: Walters/Cates - 8 ayes.

PU-1985-1, 2 AND 3 - VARIOUS LOCATIONS - RESOLUTION OF INTENT ADOPTED

The following public utility projects were presented:

PU-1985 - 1 - installation of approximately 2,600 feet of 8-inch sanitary sewer main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to existing Walnut Creek at an estimated project cost of $67,600 with assessment to be on front footage basis

PU-1985 - 2 - installation of approximately 1200 feet of 8-inch water main beginning at the intersection of Lake Raleigh Road and Avent Ferry Road south to serve Parcel 16, Tax Map 530 with an estimated project cost of $24,000 and assessment on front footage basis

PU-1985 - 3 - installation of approximately 559 feet of 8-inch PVC sewer main installed in Falls of Neuse Road sewer extension to 8500 block of existing sewer located at Brentwood Place off Rainwood Lane at an estimated project cost of $12,000 with assessment on per lot basis to apply

Recommendation: It is recommended that Council adopt a resolution of intent and set a public hearing for February 19, 1985 to consider the public utility projects as outlined. Consent Agenda approval: Walters/Cates - 8 ayes.

RESOLUTION NO. (1985) 688

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE WATER AND SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the water and sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct water and sewer mains located and described as follows:

(a) PU 1985-1 - Installation of approximately 2,600 feet of 8 inch sanitary sewer main beginning at intersection of Lake Raleigh Road and Avent Ferry Road south to existing Walnut Creek outfall.

(b) PU 1985-2 - Installation of approximately 1,200 feet of 8 inch water main beginning at intersection of Lake Raleigh Road and AVent Ferry Road south to serve Parcel No. 16, Tax Map 550.

(c) PU 1985-3 - Installation of approximately 495 feet ± of 8 inch PVC sewer main in Falls of Neuse Road sewer extension to 8500 block from existing sewer location at Bentwood Place off Rainwood Lane. (Assessment on per lot basis to apply.)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the cots thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Front footage of property abutting the extension.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 19th day of February, 1985, at 1:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 1/15/85

TRAFFIC - VARIOUS CHANGES - ORDINANCE ADOPTED

The Consent Agenda presented traffic changes relating to loading zone on Hargett and West Morgan Street, no parking on Beryl Road at Pylon Drive, Fairview Road and Sunnybrook Road. The Agenda outlined the specific traffic changes, the reason for the changes and recommended approval. Consent Agenda approval: Walters/Cates - 8 ayes.

ORDINANCE NO. (1985) 474

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 2 entitled, "STOP SIGNS" be amended by deleting the following:

Holly Drive at Lake Forest Drive
Orkney Place at Kilcullen Drive
Ramsey Road at Ward Road
Camaro Court at Ingram Drive
Hickory Nut Drive at Three Bridges Circle
River Birch Drive at St. Ledger Drive
Steeplechase Court at River Brich Drive
Broadwell Drive at Chappell Drive
McNeill Street at Noble Road
Waybridge Court at Lorimer Road

Section 2. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Holly Drive at Lake Forest Drive
Orkney Place at Kilcullen Drive
Ramsey road at Ward Road
Camaro Court at Ingram Drive
Hickory Nut Drive at Three Bridges Circle
River Birch Drive at St. Ledger Drive
Steeplechase Court at River Brich Drive
Broadwell Drive at Chappell Drive
McNeil Street at Noble Road
Waybridge Court at Lorimer Road

Section 3. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Beryl Road, south side, from Pylon Drive, westward 100 feet
Beryl Road, south side, from Pylon Drive, eastward 100 feet
Fairview Road, north side, from Woodland Avenue, eastward 75 feet
Sunnybrook Road, both sides, between New Bern AVenue and Falstaff Road

Amend said Section further by deleting the following:

Sunnybrook Road, east side, from Calumet Drive, southward-100 feet
Sunnybrook Road, south side, beginning at a point 400 feet east of New Bern Avenue eastward-50'
Sunnybrook Road, west side, 150 feet north and 150 feet south of Holston Lane
Sunnybrook Road, west side, beginning at New Bern Avenue, southward 350'

Section 4. That Traffic Schedule 15-B entitled "THIRTY MINUTE PARKING ZONES" be amended by adding the following:

Hargett Street, north side, from Dawson Street, eastward 305 feet

Amend said Section further by deleting the following:

Hargett Street, north side, from Dawson Street, eastward 200 feet

Section 5. That Traffic Schedule 17 entitled "LOADING ZONES" be amended by adding the following:

Hargett Street, north side, beginning at a point 80 feet west of McDowell Street,
westward 40 feet
Morgan Street, south side, beginning at a point 190 feet east of Boylan Avenue

Amend said Section further by deleting the following: eastward, 40 feet

Hargett Street, north side, beginning at a point 80 feet west of McDowell Street,
westward 120 feet

Section 6. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. That this ordinance shall become effective January 22, 1985.

Adopted: 1/15/85

Effective: 1/22/85

END OF CONSENT AGENDA

COMMUNITY DEVELOPMENT BLOCK GRANT STATEMENT - PROPOSED PUBLIC HEARING - APPROVED

The City has previously approved receipt of funds made available from the North Carolina Housing Finance Agency for home improvement loans. One of the provisions was that these funds include opportunities for loans outside the current Community Development areas.

It is necessary that a public hearing be held to receive citizen comments on revising the 1984-85 Community Development Block Grant Statement to include City-wide activities.

Recommendation: That City Council approve a public hearing to be held on February 5, 1985, for the purpose of receiving citizen input on this proposed adjustment in the Community Development program.

Mr. Calloway indicated he requested that this item be withdrawn from the Consent Agenda explaining approximately 2 years ago the City adopted a policy of concentrating efforts of the Community Development work so that everyone could see the program benefits. He indicated this recommendation seems to say that the program will be dispersed and questioned if this will delay implementation of the program in the target area. City Manager Benton indicated about a month ago, an item involving the opportunity to utilize funds from the North Carolina Housing Finance Agency was presented to Council and adopted. He indicated this hearing would only apply to the North Carolina Housing Funds and does not affect the CD Program as we know it. Mr. Calloway moved administration's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SHELLEY/SERTOMA PARK - BASKETBALL SLAB - ADDITIONAL FUNDS APPROPRIATED

The Agenda listed a recommended transfer of $4,500 from Council Reserve to the Shelley/Sertoma Basketball Slab to provide additional funds necessary to build a basketball slab with related grading and improvements. The item was presented with recommendation of approval. Mr. Congleton indicated he asked that this item be pulled from the Consent Agenda and moved that the transfer be denied. His motion did not receive a second. Ms. Babb moved that the $4,500 transfer as presented in the Agenda be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 473 TF 13.

TRAFFIC CONTROL SIGNS - VARIOUS LOCATIONS - APPROVED; CHANGE OF STOP SIGN TO YIELD SIGN ON CAMARO COURT AT INGRAM DRIVE - DENIED

The Department of Transportation recommends that the traffic control signs at the locations listed below be changed from stop signs to yield signs. These recommendations are made based on the results of the City of Raleigh's 1983 Stop Signs to Yield Signs Study. The recommended changes should provide more economical and efficient operation of the intersections.

Stop Signs to Yield Signs

Holly Drive at Lake Forest Drive
Orkney Place at Kilcullen Drive
Ramsey Road at Ward Road
Camaro Court at Ingram Drive
Hickory Nut Drive at Three Bridges Circle
River Birch Drive at St. Ledger Drive
Steeplechase Court at River Birch Drive
Broadwell Drive at Chappell Drive
Noble Road at McNeil Street
Waybridge Court at Lorimer Road

Mr. Walters indicated he had requested that this item be deferred during the December 18, meeting. He stated he agreed with the policy of yield signs rather than stop signs, however the recommendation that the stop sign on Camaro Court at Ingram Drive be changed to a yield sign bothers him. He stated Ingram is a heavily traveled road and the sight distance is not that good. Mr. Walters moved approval of the recommendations to change the stop signs to yield signs as outlined with the exception of Camaro Court at Ingram Drive which would remain a stop sign. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 474.

SPECIAL ITEMS

REZONING Z-138-84 - INTERSTATE 40 - TO BE PLACED ON FEBRUARY 5 AGENDA

Attached to Council Members' Agenda was a copy of CR-5372 presented by the Planning Commission during the December 18, 1984, Council Meeting. After several votes on various motions, during the December 18 meeting, it was agreed that the item would be placed on this Agenda for further consideration.

Mayor Upchurch indicated there is a hearing at the State relating to ramps to the Interstate in this area and he feels that we should hold this item until after that meeting. Mr. Walters moved that action on Rezoning Z-38-84 be placed on the February 5, 1985 Agenda as a special item. His motion was seconded by Ms. Babb. Ms. Block indicated she feels there is enough reason to deny this rezoning without even considering the access question. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-54-84 - EDWARDS MILL ROAD - PROPERTY REZONED TO RESIDENTIAL-6 AND RESIDENTIAL-10 - ORDINANCE ADOPTED

During the December 18, 1984, Council Meeting, the Law and Finance Committee recommended rezoning property covered by Application Z-54-84 to Residential-6 and Residential-10 according to map entitled, "Law and Finance Committee Recommendation, dated December 12, 1984." A copy of that map was included in the Agenda packet. The action of Council at that meeting was to place the item on this Agenda for further consideration.

Mrs. Cates moved that the property covered by Rezoning Z-54-84, with the exception of the A. T. Terrell property be rezoned as follows: that the area east of the proposed Glen Eden Drive extension, including the easement for the road and east of the power line and including the power line be rezoned to Residential-6 and that the property west of Glen Eden Road and power line be rezoned to Residential-10. Her motion was seconded by Ms. Block. Mr. Congleton made a substitute motion that the Council uphold the recommendation of the Law and Finance Committee. His substitute motion was seconded by Ms. Babb.

Ms. Cates explained the recommendation of the Comprehensive Planning Committee in adopting the Northwest Plan which included the Edwards Mill Road sub-area plan. She indicated that was adopted by the City Council on December 18. She pointed out many people in the Northwest area have worked long and hard on the comprehensive plan for their area and she feels if her motion is approved, it will uphold the integrity of the comprehensive plan. Mr. Congleton pointed out he is a member of the Comprehensive Planning Committee which made that recommendation as well as a member of the Law and Finance Committee which made the recommendation on the rezoning he will support. He pointed out when the Council adopted the sub-area plan, it was a general guide but not tied to property lines. He stated he feels we should try to keep zoning along property lines. Ms. Cates indicated if we abide by property lines, we would often violate the Comprehensive Plan especially if we are dealing with a large tract of property. The substitute motion to uphold the Law and Finance Committee's recommendation was put to a vote with results as follows: ayes - Babb, Congleton, Keller, Walters; noes - Block, Calloway, Cates, Upchurch. The Mayor ruled the motion defeated.

The original motion as made by Ms. Cates was put to a vote with all members voting in the affirmative except Mr. Walters who voted in the negative. Mr. Walters indicated the City Council has a general policy of trying not to split zone lots and he does not feel it is a good precedent to set. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) 475 ZC 152

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Edwards Mill Road, east side, opposite the north end of Laurel Hills Road, rezoned to Residential-6 and Residential-10, according to map entitled "Cates' Proposal, Z-54-84, Jan. 15, 1985," on file in the City of Raleigh Planning Department. (Z-54-84)

(b) Proposed East and West Jameson Road, west side, between Skycrest Drive and Trawick Road, adjacent to Stoney Brook Mobile Home Park, being portions of Parcels 776, 527, 637 and 30, Tax Map 467, rezoned to Residential-15 District, according to a map on file in the City of Raleigh Planning Department. (Z-133-84)

(c) Ray Road, north side, between Leesville Road and Lynn Road Extension, being a portion of parcel 579, Tax Map 349, rezoned to Residential-10 District, according to map on file in the City of Raleigh Planning Department. (Z-135-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective immediately upon its adoption.

Adopted: 1/15/85

Effective: 1/15/85

DOWNTOWN HOUSING PROGRAM - INFORMATION RECEIVED - REFERRED TO THE DOWNTOWN COMMITTEE; PUBLIC HEARING AUTHORIZED FOR FEBRUARY 19, 1985

In December, 1984, the City Council approved a financial plan to provide $25,000,000 for below market rate mortgages funding of residential units in the Downtown area. This application has been approved by the North Carolina Housing Finance Agency. It is now necessary that a program be developed to provide for the construction of the residential units and associated public facilities. City Manager Benton indicated the City has maintained a policy commitment for housing in the downtown area explaining we are at a point we need to talk about an actual development program to build these units. Downtown Planner Betts made a presentation outlining previous city initiatives relating to downtown and central area housing, a history of the city market beginning in November of 1981, City market financing, participation in financial institutions as it relates to the redevelopment bonds, downtown residential mortgage loan program, etc.

Dennis Rash representing NCNB Community Development Corporation was at the meeting and introduced his associates in this project, pointing out it seems appropriate to go with people of this type caliber as the City of Raleigh is the focus of our State, has a splendid pedestrian flow and environment. Mr. Rash explained that NCNB Development Corporation is a wholly owned subsidiary of NCNB and they were the first National Bank to be approved for urban development. He indicated this project will be good for NCNB, but would not yield a dime for the shareholders of that facility. He explained it would add value in the Downtown area in the City of Raleigh. Mr. Rash introduced Dr. Jacquelin T. Robertson and together they presented a slide presentation outlining their proposal including the relationship of target areas to downtown, boundary maps, existing zoning, proposed zoning, infra-structure, etc. They explained the proposal and the major components relating to the concept of critical mass, building on existing strengths in the area, importance of owner occupancy and standards of quality and design review. (copy of proposal available in the City Clerk's Office).

Dr. Robertson indicated this is an incredibly exciting program and there are a very few places in the United States that this type thing has happened. He stated Raleigh has a potentially wonderful downtown but we have to have people living there to make it that way. Dr. Robertson explained the work that would be carried out under the proposals, efforts that would be undertaken by the City, etc. Ms. Rash indicated that one of the issues that everyone has been concerned about relates to dislocation of people. He pointed out they do not have an adequate handle on the number of

people who own and the number of people who rent in this area. He explained how the work was carried on in Charlotte and Charleston, pointing out their strategy is that they will commit to building affordable housing for all those who will be displaced. He indicated they do not know the magnitude of dislocation at this point. He indicated they are proposing that they acquire from the City, all of its property in this area so that they can impose design and development standards. He indicated they would begin immediately in the city market area, indicating at this point they do not know what the design would look like, but it would be housing in the mid 60's to mid 80's range. He indicated from profits from that site, they would build on sites to take care of all persons that had to be relocated. He stated in addition a share of their profits will go into matching grants for neighborhood councils so that there can be some grassroot effort in this work. He pointed out at the end of six years, they would invest 100% of all the net profits back into the neighborhood. He indicated this project cannot be done quickly, but it is a manageable task and they are excited about the proposal.

Mr. Calloway questioned to what extent the persons who live in this area would be able to participate in the planning, etc., with Mr. Rash indicating the people who live there have to be involved. He stated he purchased one of the first houses in the Fourth Ward of Charlotte and explained that experience. He indicated he had been distressed to see Cities trying to complete projects such as this and ignoring the strengths and potential energies of those people living in that area. He explained what they foresee for this area, pointing out this project cannot be successful without the City's the residents, and NCNB Development Corporation joining hand in hand to do the work. He indicated there would be advisory boards and the City Council would help in appointing these advisory boards. He indicated we have to find ways to keep the people involved as well as the churches and other institutions in the area.

Community Development Director Prosser gave information on the Downtown Housing Program implementation beginning with developer proposal at today's meeting leading toward construction in July. He indicated there are several steps that Administration is recommending for Council action: 1) authorize a public hearing for February 19; 2) refer the proposal to the Downtown Committee; 3) refer to administration: (a) the NCNB CDC proposal, (b) preparation of criteria for designating master developer and (c) preparation of master development agreement and housing plan/policy. Mr. Congleton moved that the Council proceed immediately with administration's recommendation as presented, his motion was seconded by Ms. Babb. Mr. Calloway questioned if the advisory group could not be formulated earlier in the process with Mayor Upchurch indicating the Downtown Committee could take that question under consideration. Mr. Walters explained he felt we have to develop relocation criteria. He stated since a federal grant is not involved, it is not a legal requirement that we have relocation criteria, but he feels that the City of Raleigh would have a moral obligation. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REQUEST AND PETITIONS OF CITIZENS

ENCROACHMENT - DILLON SUPPLY COMPANY - APPROVED CONDITIONALLY

Gary A. Barnes representing Dillon Supply Company was at the meeting requesting an encroachment agreement from the City in order to string a twinaxial cable between two buildings on the corner of South West and Hargett Streets. He presented a rendering showing the crossing, pointing out the cable would be at least 23 feet above the streets suspended from a steel support cable and the purpose of the cable is to tie their steel service warehouse into their computer system. He explained the work would be done by AAA Electric Company. He explained he had talked with the City Attorney's Office and had received a copy of a standard encroachment agreement and feel that they can comply with all of the requirements.

City Manager Benton indicated this is an overhead cable and there are a lot of overhead lines in this area. He indicated the Council has the right to approve this and Administration would recommend that if it is approved that it be subject to the applicant assuming in writing, any liability, be required to post a bond or liability insurance, secure a permit from the City's Inspections Division and agree that at such time as the City or utility companies place the utilities underground that this encroachment agreement would require the same action by Dillon Supply Company. Ms. Cates moved that Administration's recommendation be upheld which was seconded by Mr. Walters. Mr. Congleton indicated he understood the City Manager's recommendation and reasoning. He pointed out however the Council had just looked at a proposal from NCNB Community Development Department in which they referred to the "sphagetti" overhead in the City of Raleigh. He stated this is just one more item over the street. He questioned if this could be put under ground now rather than waiting for the City or utility companies to put their wires underground. He stated he has sympathy with what they are trying to do, he is just concerned about adding more overhead wires. Mr. Barnes indicated they had not considered putting it underground. Mr. Congleton made a substitute motion that the item be referred to Law and Finance Committee for review and recommendation. His motion did not receive a second. Ms. Babb pointed out according to the Manager's recommendation, anytime we require everything else to go underground, then this would go underground. She stated going underground is expensive and while she shares Mr. Congleton's concern, she does not see that we should require that this go underground before other wires in the area are required to go underground. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Mr. Congleton who voted in the negative. The Mayor ruled the motion adopted.

GREAT RALEIGH ROAD RACE - REQUEST FOR UTILIZATION OF CITY STREETS - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

Alma M. Washburn, representing Athletic Attic Marketing, Inc., was at the meeting requesting permission to utilize City streets for the running of the Great Raleigh Road Race on March 31, 1985.

She indicated over the past two years, some 4,500 runners have participated in this event with about 45% coming from outside a 25 mile radius of the City of Raleigh. She explained representatives from 25 states have participated and there are divisions including wheelchairs, walkers, etc. She indicated she had discussed this with the Raleigh Police Department and understands that they would have to supply 38 officers and two supervisors. She stated they plan to use the same course that has been used in past years, pointing out the race will begin at the Civic Center and end at the Civic Center.

City Manager Benton indicated there is a problem in scheduling, explaining the City Council has considered and approved use of city streets on April 14th with a backup date of March 31 for the running of a race and he does not feel that we should approve two races on the same day. Mr. Walters explained he had some indication there are other problems with the race and he would move that this request be referred to the Intergovernmental Committee. His motion was seconded by Ms. Cates and passed unanimously.

SIDEWALK CONSTRUCTION - SAGEWOOD SQUARE - REQUEST FOR VARIANCE - GRANTED

LaMarr Bunn representing Tom Laney, Builder, was at the meeting to request Council approval to construct sidewalks in the public right-of-way at Sagewood Square on the cul-de-sac end of Mourning Dove Drive. He indicated this is a unique single-family detached homes and consist of 12 units and colonial type architect clustered around gazebos. He indicated he is proposing that they be allowed to construct the sidewalks of concrete aggregate finish pointing out they hope to construct more walks than is required by the City. He stated in addition, they would like to be able to use brick dividers at about every six feetexplaining the Homeowner's Association would be responsible for all additional cost for repairs over and above standard city sidewalks. He indicated these sidewalks would be similar to the ones in the downtown area.

City Manager Benton indicated the code provides for certain types of material to be used in sidewalks, therefore in order for Mr. Bunn's request to be granted, a variance in code requirements would have to be granted. He stated the Code does not require sidewalks about the bubble of the cul-de-sac and if they are constructed, responsibility and maintenance would be up to the property owners. Ms. Block questioned if this material is as durable as other sidewalks, pointing out she is delighted to hear of a developer who wants to put in more sidewalks than required. Chief Engineer Thomas indicated the strength of the concrete would be as durable, the only difference would be the surface. Mr. Bunn pointed out Fayetteville Street Mall has some of this type sidewalk. Mr. Calloway moved the request be granted. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LEA FUNERAL HOME - REQUEST FOR DELAY IN PAVING PARKING LOT - REFERRED TO PUBLIC WORKS COMMITTEE

Raymond Jones, representing Lea Funeral Home, was at the meeting asking that they be allowed a one-year delay of paving of the parking lot as shown on site plan approval by City Council. He stated in constructing this facility, they had to haul in some 15,000 cubic yards of fill dirt and they cannot find anyone to pave the parking lot who will guarantee their work because of compaction problems, etc., therefore they would like an opportunity to wait to give settling time to occur.

City Manager Benton indicated they do have a problem in assuring that the fill dirt is stabilized. He explained the City Code requires this property, which is being developed under site plan approval, have the parking lot paved. He pointed out administration does have the authority to authorize delay of the payment providing a letter of credit or some type of security is posted, however the developer has chosen not to do that. Mr. Walters explained he is familiar with this situation and part of the reason for the developer not being able to post a letter of credit or bond has to do with the type loan they got in building the facility. He stated the owner would be happy to post the bond, but the type loan he has would not allow that. He stated Mr. Lea wants the parking lot paved immediately and it will be to his advantage to get it paved. Mr. Walters stated he would be willing to grant up to a year to allow it being paved. Discussion took place on what type assurances the City would have in making sure that the parking lot is paved. Mayor Upchurch indicated the City Council does grant delays such as this, but before granting it, he feels that it should be referred to a committee to look at the circumstances, etc. Mr. Walters moved the request be referred to Public Works Committee. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously.

ENCROACHMENT - 418 SOUTH BOYLAN AVENUE - APPROVED

Herbert Vickers was at the meeting presenting his sister who is handling this piece of property on behalf of their parents. He pointed out this house has been existing over 70 years and in doing a survey of the lot, it has been found that the house

encroaches about five one-hundredths of a foot and he would like to get blessings on that encroachment. City Manager Benton indicated the house does encroach a small amount into the right-of-way of Cabarrus Street. He stated administration has no objection to the encroachment being granted under the standard terms and conditions of our encroachment agreement. Mr. Keller moved the encroachment agreement be authorized. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

NORTH CAROLINA HOUSING FINANCE AGENCY - PARTICIPATION RELATING TO REHABILITATION OF OAKWOOD VILLA APARTMENT COMPLEX - RESOLUTION ADOPTED

James M. Tanner, Jr. was at the meeting representing the owners of the Oakwood Villa Apartment Complex. He indicated they would like to utilize North Carolina Housing Finance Agency bonds in the rehabilitation of this complex and is requesting the Council to adopt the standard resolution authorizing participation. City Manager Benton indicated administration has no objection. Ms. Cates moved adoption of the resolution as requested, her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 689

RESOLUTION REQUESTING AND APPROVING THE PARTICIPATION OF THE NORTH CAROLINA HOUSING FINANCE AGENCY IN THE FINANCING OF A HOUSING PROJECT TO BE LOCATED IN THE CITY OF RALEIGH, NORTH CAROLINA.

BE IT RESOLVED BY THE CITY COUNCIL (GOVERNING BODY) OF THE CITY (CITY, TOWN OR COUNTY) OF RALEIGH.

SECTION 1

The participation of the North Carolina Housing Finance Agency (The Agency) in the financing of the proposed housing project for occupancy by persons and families of low and moderate (as defined by the Agency) described below and located at Oakwood Villas - Navaho Drive (Address) in the City (City, Town or County) of Raleigh, North Carolina is hereby requested and approved pursuant to G. S. 122A-5(1):

Description of Proposed Project:

The substantial rehabilitation of Oakwood Villas, a 360-unit apartment complex. Rehabilitation includes repairs necessary to ensure the physical integrity of the complex, and significant enhancement of the interior and exterior appearance of the project.

SWIFT CREEK - SOIL AND WATER CONSERVATION DISTRICT - REFERRED TO THE INTERGOVERNMENTAL COMMITTEE

John Graham representing the Wake Soil and Water Conservation Board of Supervisors was at the meeting and presented a resolution on the protection of the Swift Creek watershed. He indicated this particular watershed is entirely within the Wake District who felt that they should take the lead role in protecting this source of drinking water. He went over the resolution pointing out the Wake Board is inviting the State, the Boards and Councils of the local governments involved, the Corps or Engineers and others, through their appropriate agents to convene to study current regulations, ordinances and classifications that could or now affect the Swift Creek water quality and apply their respective interests and authorities to adopt such new or modified regulations, ordinances, classifications and other measures that would be seen by them as necessary to more uniformly and completely conserve Swift Creek as a present and future source of drinking water. Mr. Graham indicated this could help share knowledge between all of these resources as well as a lack of knowledge. He stated they hope at the end of four or five months, they would have information to bring back to the various governments involved. He explained that they foresee this group meeting about every six weeks and he is at the meeting seeking from Raleigh a liaison who can meet with this group, provide material, exchange information, etc. Mayor Upchurch indicated he felt that this should be referred to Intergovernmental Committee. Mrs. Block stated she had no objection to referring it to Committee, but she feels it is a reasonable request and should be granted. Without objection, the item was referred to the Intergovernmental Committee.

PUBLIC HEARINGS

PUBLIC NUISANCE COST CONFIRMATION - 3112 WILDER STREET - RESOLUTION ADOPTED; OTHERS - WITHDRAWN

This was a hearing to consider adoption of a resolution confirming charges for abating public nuisances as outlined below:

420 South Haywood Street - Helen D. Smith - $93.00. Housing Inspections Supervisor Bartholomew indicated these charges have been paid so the item should be withdrawn. Without objection, the item was withdrawn.

3112 Wilder Street - David McNeil - $99.00. The Mayor opened the hearing, no one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a

resolution confirming charges as outlined. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) - 690

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING CERTAIN NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160A of the General Statutes and Sections 2.14(33), (51), 22-51 and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and,

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 12, Chapter 6 of the Code of the City of Raleigh, relating to the abatement of nuisances; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OR RALEIGH:

Section 1. That the nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code of the City of Raleigh and more specifically Part 12, Chapter 6.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to the General Statutes above referred to and makes the same a lien against the premises as provided in Part 12, Chapter 6 of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	ABATEMENT COST
David McNeil	3112 Wilder Street Lot 266, Map 521 ID #0046429	$99.00

Section 3. That this resolution shall become effective January 15, 1985.

Adopted: 1/15/85

220 Peartree Lane - Cyril A. Allen - $399.00. Housing Inspections Supervisor Bartholomew indicated these charges have been paid, therefore the item should be withdrawn from the Agenda. Without objection the item was withdrawn.

STREET CLOSING - PORTION OF CROSSINGS WAY RIGHT-OF-WAY - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of Crossings Way right-of-way. The hearing is pursuant to petition, resolution, notification, and advertisement as required by law. Planning Director Chapman explained the requested closing and a subdivision approval which showed the realignment and the fact that the subdivision approval was conditional on the closing. The Mayor opened the hearing to the public. Bernadine Weddington indicated she was not at the meeting to oppose the closing, but would like to take the opportunity to remind the City Council that they would like to have the road that connects up with this - Sleepy Hollow - removed from the Thoroughfare Plan. This was discussed briefly. No one else asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution closing the street right-of-way as outlined. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 691

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF CROSSINGS WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Crossings Way right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Crossings Way be closed permanently as follows:

> Approximately 480 feet of the westerly end of Crossings Way right-of-way as recorded in Map Book 1983, Page 1470

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 1/15/85

Effective: 1/15/85

BONDS - PARKING FACILITY - HEARING - BOND ORDER ADOPTED AND AMENDED

This was a hearing to receive public input relating to the issuance of $4,195,000 parking facilities bonds of the City of Raleigh. City Manager Benton explained the plans relate to financing for the parking deck associated with the transit transfer point. He indicated the financing for the parking deck includes $1.2 million in general revenue sharing funds and a two-thirds bond issue. He indicated on December 18, the City Council introduced and adopted the bond order and authorized this hearing. The notice has been published, the debt statement has been filed and everything is in order. The Mayor opened the hearing to the public, no one asked to be heard, thus the hearing was closed. Mr. Walters moved adoption of the bond order as included in the Agenda packet, his motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

City Manager Benton indicated in calculating the net debt, and the two-thirds issue, City Administration made an error of $5,000 therefore Administration recommends that the City Council amend the bond order by reducing it to $4,195,000 and direct the clerk to publish the amended bond order. Ms. Cates moved the Manager's recommendation be upheld which was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PU 1984-13 - SPRING FOREST ROAD REALIGNMENT - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the installation of approximately 6,000 feet of 12-inch ductile iron water main in Spring Forest Road realignment, with assessment on the per footage basis to apply. Public Utilities Director Simmons explained the project, pointing out the property owners would be assessed for a 6-inch portion of the main. The Mayor opened the hearing to the public, no one asked to be heard, therefore the hearing was closed. Mr. Congleton questioned if there are any residential lots that would be affected and this was discussed briefly. Ms. Cates moved adoption of the resolution directing the project as outlined. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 693

A RESOLUTION TO DIRECT THAT THE WATER AND SEWER SYSTEMS OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

(a) PU 1984-3 Installation of Approximately 2,550 feet of eight-inch sanitary sewer main beginning at the Hare Snipe Creek Outfall on the west side of Winthrop Drive at Sleepy Hollow Drive, continuing northward along rear lots on the east side of Winthrop Drive and terminating at 5808 Contour Drive. (Assessment on per lot basis to apply.)

(b) PU 1984-13 - Installation of approximately 6,000 feet ± of twelve-inch ductile iron water main in Spring Forest Road realignment, from Falls of

Neuse Road to Lynn Road. (Assessment according to front footage of property abutting the extension.)

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: See Items (a) and (b) above.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 1/15/85

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission's Consent Agenda indicating it would be handled in the same manner as the regular consent agenda. Mrs. Block requested that CR-5375 (S-157-84) and CR-5404 (TC-270) be withdrawn. Ms. Babb requested that she be excused from participation on the vote on CR-5383 (S-10-85) as her husband is involved in this project. Without objection, Ms. Babb was excused. Ms. Babb moved the Planning Commission recommendation on the remaining items on the Consent Agenda be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. They Mayor ruled the motion adopted. The items on the Consent Agenda were as follows:

PA-271 - GOLDEN CORRAL - APPROVED WITH CONDITION

This was a request for approval to construct a 4,824 square foot restaurant on a 0.86 acre parcel which is currently developed with structures that will be removed. The property is zoned Neighborhood Business.

The property is located at the northeast corner of Western Boulevard and Whitmore Drive, inside the City Limits.

CR-5356 from the Planning Commission recommended that this request be approved according to a map entitled, "Golden Corral," the property of Golden Corral Family Steak House, drawn by Fred Tolson and Associates, dated December 3, 1984, with the following conditions: (1) That the property is recombined into one tract prior to issuance of building permits; and (2) that the Staff approve a revised landscaping plan along Lexington Drive prior to issuance of building permits. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-1-85 - HEATHERBROOK CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 24.28 acres which are currently undeveloped and zoned Residential-6 into a 133-unit cluster unit development (66 single-family lots and 67 townhouse units).

The property is located at the southeast corner of Trawick Road and Marsh Creek Road, outside the City Limits.

CR-5376 from the Planning Commission recommended that this request be approved according to a map entitled, "Heatherbrook Cluster Unit Development," the property of John Crossland Company, Incorporated, drawn by McNeely Associates, dated December 18, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that the utility layout be revised to conform to the City's standards prior to acceptance of construction drawings; and (3) that all off-site sewer easements deeds are obtained and recorded prior to recording the final plats. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-2-85 - SPRING FOREST TRIAL - APPROVED WITH CONDITION

This was a request for approval to subdivide 32 acres which are undeveloped and zoned Residential-4 into a 120-lot cluster unit development.

The property is located on the north side of Spring Forest Road, adjacent (to the west) to Millbrook Exchange Park, inside the City Limits.

CR-5377 from the Planning Commission recommended that this request be approved according to a map entitled, "Spring Forest Trail," the property of HSW Associates, drawn by Jerry Turner and Associates, dated December 28, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and

approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-3-85 - TARTAN DOWNS CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide 131.3 acres which are currently undeveloped and zoned Residential-6 into a 467-unit (159 single-family and 308 townhouse lots) cluster unit development.

The property is located on the south side of Sunnybrook Road, just south of the Beltline, outside the City Limits.

CR-5378 from the Planning Commission recommended that this request be approved according to a map entitled, "Tartan Downs Cluster Unit Development," the property of Eastman Development Company, drawn by Paton, Zucchino and Associates, dated December 21, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; and (2) that the City Council approve CP-1-85 which would amend the Southeast District Collector Street Plan which would realign Holloway Road and eliminate the extension of Rockwood Drive. It is also recommended that the acceptance of the offer of greenway be approved with the understanding that the 14 acres shown as a neighborhood park will require further study and review by Staff and other public bodies prior to acceptance of that facility, and any improvements done on the greenway/park area would have to be made to City standards. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-5-85 - BISHOPS RIDGE, PHASE 2 - APPROVED

This was a request for approval to construct a 54-unit condominium project consisting of two buildings on 3.67 acres, zoned Residential-III. Phase 1 of the project is under construction.

The property is located on the south side of Wade Avenue, just east of Wirewood Avenue, inside the City Limits.

CR-5379 from the Planning Commission recommended that this request be approved according to a map entitled, "Bishops Ridge, Phase 2," the property of Martin Development Group, Incorporated, drawn by David Furman, dated December, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-7-85 - PYLON PARK CONDOMINIUMS II - APPROVED

This was a request for approval to construct a 9,900 square foot industrial condominium project on 0.83 acre which is undeveloped and zoned Industrial-II.

The property is located on the south side of Pylon Drive, just west of Ridgefield Drive, inside the City Limits.

CR-5380 from the Planning Commission recommended that this request be approved according to a map entitled, "Pylon Park Condominiums II," the property of Pylon Park Associates, drawn by Walter Davis/George Finch, dated December 17, 1984. Consent Agenda approval: Babb/Cates - 7 ayes.

SUBDIVISION S-8-85 - GADLAND PROPERTY - APPROVED

This was a request for approval to subdivide a 1.46 acre tract which is zoned Residential-10 into two lots (Lot 1 - 1.25 acres, Lot 2 - .21 acre with a single-family unit).

The property is located on the south side of Lynn Road, west of Six Forks Road, inside the City Limits.

CR-5381 from the Planning Commission recommended that this request be approved according to a map entitled, "Gadland Property," the property of Gadland Group, drawn by R. Clayton Narron, dated November 19, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-9-85 - KINGSBOROUGH MOBILE HOME CLUSTER UNIT DEVELOPMENT - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 54.7 acre tract into a 256-unit mobile home cluster unit development. The site is zoned Mobile Home and is being developed as a mobile home park.

CR-5382 from the Planning Commission recommended that this request be approved according to a map entitled, "Kingsborough Mobile Home Cluster Unit Development," the property of Kingsborough, Limited, drawn by McNeely Associates, dated December 16, 1984, with the following conditions: (1) That the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats; (2) that the City Council approve the roll-type curb for the private streets within the development; and (3) that the northernmost pump station and force main will be maintained and operated by the homeowners association. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-10-85 - BRITTANY WOODS REVISIONS - APPROVED WITH CONDITIONS

This was a request for approval to develop a 232-unit townhouse project (116 attached units and 115 detached units) and one single-family lot on 39.92 acres, zoned Residential-4, (.31 acre, one unit), Residential-6 (27.13 acres, 151 units), and Shopping Center (8.48 acres, 80 units).

The property is located on the west side of Leesville Road, north of Pickwick Village Subdivision, outside the City Limits.

CR-5383 from the Planning Commission recommended that this request be approved according to a map entitled, "Brittany Woods Revisions," the property of Edd K. Roberts, drawn by Barrett Kays and Associates, dated November 28, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Cates - 7 ayes. (Mrs. Babb excused during vote on the Consent Agenda).

SUBDIVISION S-11-85 - THE MEADOWS AT EAGLECHASE - APPROVED

This was a request for approval to subdivide 65.92 acres which are undeveloped and zoned Residential-4 into 152 lots.

The property is located on the south side of Poole Road at the intersection with Hickory Hollow Lane, outside the City Limits.

CR-5384 from the Planning Commission recommended that this request be approved according to a map entitled, "The Meadows at Eaglechase," the property of Ammons-Brown, Incorporated, drawn by Jerry Turner and Associates, dated November 1, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-13-85 - MARTIN/SWAIN TOWNHOMES - APPROVED WITH CONDITIONS

This was a request for approval to construct three townhouse units on 0.33 acre which is undeveloped and zoned Residential-20.

The property is located on the northwest corner of East Martin Street and Swain Street, inside the City Limits.

CR-5385 from the Planning Commission recommended that this request be approved according to a map entitled, "Martin/Swain Townhomes," the property of Downtown Housing Improvement Corporation, drawn by Eric M. Sifford, dated December 3, 1984, with the condition that the cross-access and maintenance agreements and party wall agreements be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-14-85 - MINE VALLEY, SECTION 12 - APPROVED WITH CONDITION

This was a request for approval to subdivide an 8.26 acre parcel which is undeveloped and zoned Residential-4 into 20 single-family lots.

The property is located at the southeast corner of Sawmill Road and Lead Mine Road, outside the City Limits.

CR-5386 from the Planning Commission recommended that this request be approved according to a map entitled, "Mine Valley, Section 12," the property of Key Homes, Incorporated, drawn by Evans Engineering, Incorporated, dated December 15, 1984, with the condition that the cross-access and maintenance agreements for the shared drives are reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Babb/Cates - 8 ayes.

SUBDIVISION S-17-85 - GREYSTONE VILLAGE ADDITIONS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide a 70.06 acre tract which is undeveloped and zoned Residential-4 into 133 single-family lots.

The property is located on the north end of Lead Mine Road, just north of Sawmill Road, outside the City Limits.

CR-5387 from the Planning Commission recommended that this request be approved according to a map entitled, "Greystone Village Additions," the property of Ammons, Incorporated, drawn by Jerry Turner and Associates, dated November 29, 1984, with the condition that all off-site sewer easement deeds are obtained prior to recording the final plats. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-275 - QUAIL PROFESSIONAL CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct a 174,555 square foot office building on 17.2 acres which are undeveloped, zoned Office and Institution-I. The site consists of several lots.

The property is located on the east side of Falls of Neuse Road, just south of Cedarhurst Drive, inside the City Limits.

CR-5388 from the Planning Commission recommended that this request be approved according to a map entitled, "Quail Professional Center," the property of Austin-Mullins, drawn by Little and Associates, dated November 30, 1984, with the following conditions: (1) That the property be recombined into one tract; and (2) that cross-access agreements be reviewed and approved by the City Attorney's Office prior to issuance of building permits. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-2-85 - NORTH TIMBERS APARTMENTS - APPROVED WITH CONDITIONS

This was a request for approval to construct 204 units on an 8.2 acre tract which is undeveloped and zoned Office and Institution-I.

The property is located on the east side of Calvary Drive, just north of US 401 North, inside the City Limits.

CR-5390 from the Planning Commission recommended that this request be approved according to a map entitled, "North Timbers Apartments," the property of Alexander-Padgett, Incorporated, drawn by John A. Edwards and Company, dated December 3, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-3-85 - WAKE SURGICAL CENTER - APPROVED

This was a request for approval of a 7,900 square foot office building on a 1.07 acre parcel which is undeveloped and zoned Office and Institution-III.

The property is located at the northeast corner of Benson Drive and Dresser Court, inside the City Limits.

CR-5391 from the Planning Commission recommended that this request be approved according to a map entitled, "Wake Surgical Center," the property of Godofredo T. Ng, M.D., drawn by Page, Marlowe and Associates, dated November, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-5-85 - RALEIGH PLACE OFFICES - APPROVED WITH CONDITIONS

This was a request for approval to construct a 30,828 square foot office building on a 1.16 acre tract (two lots), zoned Office and Institution-I. The site is developed with an existing office building which will be removed.

The property is located on the northeast corner of West Edenton Street and North Harrington Street, inside City Limits.

CR-5392 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Place Offices," the property of Ted R. Reynolds, drawn by McKimmon/Edwards/Hitch, dated December 17, 1984, with the following conditions: (1) That the property be recombined into one lot; (2) that the off-site parking agreements be reviewed and approved by the City Attorney's Office prior to issuance of a building permit; and (3) that a contract, in accordance with the letter attached to CR-5392, be authorized by the City Council and is executed prior to the issuance of any building permits. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-6-85 - BELTLINE 76 STATION - APPROVED

This was a request for approval to replace an existing canopy with a new structure on an existing automotive service station on a 1.43 acre tract, zoned Neighborhood Business.

The property is located on the north side of US 70 West, just west of the Beltline, inside the City Limits.

CR-5393 from the Planning Commission recommended that this request be approved according to a map entitled, "Beltline 74 Station," the property of United Energy, Incorporated, drawn by United Energy, Incorporated, dated November 18, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-7-85 - EDWARD P. BOATWRIGHT PROPERTY - APPROVED WITH CONDITIONS

This was a request for approval to convert an existing 1,500 square foot residential building into a restaurant on an 0.189 acre parcel, zoned Neighborhood Business.

The property is located on the west side of Glenwood Avenue, just north of West Johnson Street, inside the City Limits.

CR-5394 from the Planning Commission recommended that this request be approved according to a map entitled, "Edward P. Boatwright Property," the property of Edward P. Boatwright, drawn by E. Burton Elliott, dated December 14, 1984, with the condition that the cross-access agreement for the shared drive be reviewed and approved by the City Attorney's Office prior to issuance of building permits. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-9-85 - JIM'S MAINTENANCE - APPROVED

This was a request for approval to expand an existing 390 square foot building by 510 square feet (900 square feet total) on a 0.3 acre tract, zoned Neighborhood Business. The site is a landscape maintenance business.

The property is located at the northeast end of Green Street, just west of South Saunders Street, inside the City Limits.

CR-5395 from the Planning Commission recommended that this request be approved according to a map entitled, "Jim's Maintenance," the property of Jim Gerardi, drawn by Jim Gerardi, dated December 13, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

PA-10-85 - HILLTOP HOME ADDITIONS - APPROVED

This was a request for approval to add 1,630 square feet to an existing 4,408 square foot building (total - 6,038 square feet) on a 0.99 tract, zoned Office and Institution-I.

The property is located on the south side of New Bern Avenue, on the Wake County Hospital site, inside the City Limits.

CR-5396 from the Planning Commission recommended that this request be approved according to a map entitled, "Hilltop Home Additions," the property of Wake County Hospital Authority, drawn by Clearscapes, dated December 3, 1984. Consent Agenda approval: Babb/Cates - 8 ayes.

SC-2-85 - KENTUCKY FRIED CHICKEN - APPROVED WITH CONDITIONS

This was a request for approval of a 2,500 square foot restaurant on 0.48 acre which is undeveloped and zoned Shopping Center. Approval of a 112 square foot freestanding sign is also requested.

The property is located on the west side of Falls of Neuse Road, just south of Sandy Forks Road, inside the City Limits.

CR-5399 from the Planning Commission recommended that this request be approved according to a map entitled, "Kentucky Fried Chicken," the property of Kentucky Fried Chicken, drawn by Tipton Masterson, dated December 19, 1984, with the condition that the cross-access agreements for Sutton Square Shopping Center be reviewed and approved by the City Attorney's Office prior to issuing building permits. Consent Agenda approval: Babb/Cates - 8 ayes.

REZONING Z-59-84 - REQUEST FOR WAIVER OF TWO-YEAR PERIOD - APPROVED

This was a request that the two-year zoning waiting period on Z-59-84 be waived.

CR-5400 from the Planning Commission recommended that the request for waiver of the two-year zoning waiting period on Z-59-84 be approved according to the letter and map attached to CR-5400. Consent Agenda approval: Babb/Cates - 8 ayes.

REZONING Z-102-84 - STRICKLAND AND FALLS OF NEUSE ROAD AREAS - DENIED

This was a request for approval to rezone approximately 600 acres from Residential-1 to Resource Management Zone.

CR-5405 from the Planning Commission recommended that Z-102-84 be denied. Consent Agenda approval: Babb/Cates - 8 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-157-84 - THE VILLAGES CONDOMINIUMS - APPROVED; SITING OF BUILDINGS - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct a 192- unit condominium project consisting of ten buildings on 13.1 acres, zoned Residential-15. A variance to Section 10-2075 is also requested.

The property is located at the southwest corner of Spring Forest Road and Hollenden Drive, inside the City Limits.

CR-5375 from the Planning Commission recommended that this request be approved according to a map entitled, "The Villages Condominiums," the property of Sunsouth Homes, Incorporated, drawn by LaMarr Bunn and Associates, dated December 7, 1984.

Planning Director Chapman explained the request and the proposed variance. Chairman McNeely indicated this item was discussed at Planning Commission in detail and based on the staff's recommendations and assurance on signage, etc., the Planning Commission felt that the variance should be granted. Ms. Block indicated the reason she was concerned about this and it really has nothing to do with this particular subdivision, however there was an item at Planning Commission and it was approved for units that didn't meet the requirements for facing the street, fire excess, etc. She indicated the other case was approved without coming to City Council. She stated if

these requirements are not necessary, then why are they in the code. She stated she saw no reason for us to have rules that apply to Bishop's Park but not outside inner-city neighborhoods. Planning Director Chapman indicated the originally purpose for this section of the Code was to deal with design problems in very high density residential developments. He indicated it was developed in relationship to high density inner city neighborhoods and there was no clear policy as to whether it should deal with other parts of the city. He indicated since the Planning Commission meeting, the staff has initiated talks relative to a possible text change to clarify the code intent. Ms. Block moved that Subdivision S-157-84 be approved as recommended by the Planning Commission and at the same time ask the Planning Department to bring to Public Works Committee what they are working on as it relates to siting of buildings, etc. Her motion was seconded by Mr. Walters. She stated if we have regulations that are going to be varied all the time, then we need to decide whether to keep them or do away with the regulations. Mr. McNeely indicated when you are talking about a project such as Bishops Park, you get to a design level in which everything could not meet all requirements of the code relating to facing on a public street, etc. He indicated this project was not as dense and there is no stipulation about density in the other areas of the City. The motion as stated was put to a vote and passed unanimously.

TC-270 - FALLS LAKE GROWTH MANAGEMENT - REFERRED TO SPECIAL WORK SESSION

This was a request for approval to amend the Conservation/Buffer District, the Residential-1 District, the Subdivision and Soil Erosion Chapters and the Zoning Code to promote health and facilitate the provision of water.

CR-5404 from the Planning Commission recommended that portions of TC-270, as amended, be adopted, and Sections 25 and 35 be denied.

Planning Director Chapman briefly explained TC 270 which relates to development in the primary and secondary watershed areas. Ms. Block moved that we first discuss CP-5-84 inasmuch as a decision being made on that is a general one and would effect the actions and commitment of the Council and then continue the text change discussions in Work Session. She restated her motion that CP-5-84 be considered first and the defer TC-270 to a Council Work Session. Her motion was seconded by Ms. Cates. Mr. Walters indicated he did not see why it mattered which one we discussed first. Ms. Babb pointed out it would make more sense to discuss CP-5 at the same time we discuss TC-270, and after discussion on the parliamentary procedure, Ms. Babb made a substitute motion that CR-5404 - TC-270 be deferred and discussed at the point the Council discusses CP-5-84. Her motion was seconded by Mr. Congleton and after brief discussion put to a vote and passed unanimously.

Later in the meeting after action on CP-5-84, Ms. Block moved that TC-270 be referred to a Special Work Session. Her motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted.

Later in the meeting, by general consensus, the Council agreed to discuss TC-270 at a special work session to be scheduled for Tuesday, January 29, 1985 at 10:00 a.m.

REZONING Z-133-84 - EAST AND WEST JAMESON ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 18.6 acres from Residential-6 to Residential-15.

CR-5401 from the Planning Commission recommended that Z-133-84 be approved as requested.

Planning Director Chapman explained the proposed rezoning. Ms. Babb asked to be excused from participation in this vote as her husband is involved in the project. Chairman McNeely indicated he thinks the problems with this case came up at the public hearing when there was an incorrect map showing a "phantom" subdivision. He indicated the area residencts who had complained about being adjacent to the property up for rezoning are in reality removed from the area. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 475 ZC 152.

REZONING Z-135-84 - RAY ROAD - APPROVED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 18.4 acres from Residential-6 to Residential-10.

CR-5402 from the Planning Commission recommended that Z-135-84 be approved as requested.

Planning Director Chapman explained the area, the request and the Planning Commission's recommendation. Planning Commission Chairman McNeely indicated this case was discussed in a committee and this is the Committee's recommendation. Ms. Cates moved denial of the Planning Commission's recommendation. Her motion did not receive a second. Mr. Congleton moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative except Ms. Block and Ms. Cates who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 475 ZC 152.

CP-5-84 - NORTH DISTRICT PLAN - RESOLUTION ADOPTED

This was a request for approval to amend the North District Plan of the Raleigh Comprehensive Plan to include provisions for the protection of water quality in that portion of the Falls Lake Watershed within the Raleigh Planning Jurisdiction.

CR-5403 from the Planning Commission recommended that CP-5-84 be approved as amended according to the document attached to CR-5403.

Mr. Congleton indicated CP-5 and TC-270 have been discussed by the Planning Commission in various committees in which a lot of detailed information has been presented and discussed. He stated he feels adequate time should be given to this so that the City Council will understand exactly what is being proposed. He moved that the entire matter - CP-5-84 and TC-270 be referred to a special work session. His motion did not receive a second. It was agreed to discuss CP-5-84 separately.

Planning Director Chapman explained the original item that was heard at the hearing as it relates to CP-5-84. He indicated the amendment being recommended by the Planning Commission is different from the original recommendation and explained the difference which relates to the dividing line for the primary and secondary watershed. He indicated the recommendation from the Planning Commission is that the boundary line be changed so that the area above Durant Road is a primary watershed and the area below a secondary. He explained the difference in primary and secondary watersheds pointing out TC-270 outlines the criteria for development in these areas. He indicated there is also a series of collector street changes recommended.

Chairman McNeely explained the Planning Commission's recommendation pointing out they came up with a dividing line between the primary and secondary watershed area being Durant Road following extensive consideration and review of data from COG, the State, detailed discussions about what the primary area needs to accomplish and criteria such as distance, impervious surfaces, etc. Ms. Block indicated she feels that Mr. McNeely was getting into discussion TC-270 and at this point we are discussing CP-5 and she wanted to make a motion concerning CP-5 and it concerns the line of demarcation between the primary and secondary watershed. Ms. Block moved that CP-5 be approved with the line being changed to the original recommendation which was utilizing the Northern Wake Expressway. Her motion was seconded by Ms. Cates. Ms. Block indicated she feels that this City Council is committed to preservation of the watershed and she feels if a mistake is going to be made, it should be on the side of the conservation and she feels that we should take this action as an example that the City of Raleigh is making progress, as the City has been accused of dragging its feet. Mr. Walters pointed out all Council members are committed to protection of the watershed and he sees no reason for that being said any more. He stated the only argument for moving the line is if we error, it should be on the conservative side. He pointed out the Mayor appointed four of the City Council to monitor the discussions on this item so that we would be in a position of making a decision when we got to this point. He stated in his opinion the Planning Commission did an excellent job in coming up with this recommendation therefore he would make a substitute motion that the Planning Commission's recommendation on CP-5-84 be upheld. His motion was seconded by Mr. Calloway.

Lengthy discussion followed with each Council members voicing their opinion as to whether the line of demarcation should be Durant Road or the Northern Wake Expressway and explaining their opinion. Ms. Babb gave a detailed presentation of the history of this item, pointing out work on development in this area started with the previous Council and the appointment of a technical advisory committee. She explained the work of that committee as well as the work of the Public Works Committee and the work of the Planning Commission and its sub-committee. She stated it has been an emotional subject and one that lends itself to political postering. She spoke at length in support of the demarcation line being Durant Road and explained why. Ms. Cates and Mrs. Block spoke at length in support of the line of demarcation being the Northern Wake Expressway with Ms. Cates indicating there has been a lot of discussion about engineering techniques to catch water and prevent run-off and she has been advised that the only engineering techniques available is sediment basins and that had been taken out of the City of Raleigh's ordinances because of problems created. She stated utilizing the Northern Wake Expressway as the line of demarcation in her opinion is not making any error on the side of conservation. Mr. Keller indicated it is a complicated question but pointed out practically all the benefits of Falls Lake will be for the citizens of Raleigh so it is encumberent upon the City to do the maximum to provide protection. He indicated he had been in favor of three acre minimum lots and the possibility of declaring this watershed property and it never be urbanized and he indicated he can't accept two acre lots, but he definitely feels the line of demarcation should be the Northern Wake Expressway. Mr. Walters indicated the Planning Commission's recommendation does insure the preservation of the watershed, but if we are saying the outer beltloop is the proper line of demarcation to protect the watershed, he does not understand how we can build a super highway through the area, indicating it is absolutely ludicrous to take a line that we don't even know its exact location and say on one side we will have one set of rules and on the other side another set of rules. Mr. Calloway pointed out he had attended a number of the meetings and there were good arguments on both sides, therefore, he feels that we have to rely on the good judgement of the Planning Commission and staff so he would support the Planning Commission recommendation. Mayor Upchurch indicated he had no problem with supporting the Northern Wake Expressway and he really could not understand all the discussion as to why Durant Road would be better with Ms. Babb pointing Durant Road is there and we do not know where the Northern Wake Expressway

will be with Mayor Upchurch indicating we do. The substitute motion to uphold the Planning Commission's recommendation was put to a vote with results as follows: Ayes - Babb, Calloway, Walters; noes - Block, Cates, Congleton, Keller, Upchurch. The Mayor ruled the motion defeated.

The original motion to approve CP-5-84 with the line of demarcation between the primary and secondary watershed being the Northern Wake Expressway was put to a vote which resulted in all members voting in the affirmative except Mr. Walters, Ms. Babb and Mr. Calloway who voted in the negative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 692

CP-5-84
RESOLUTION TO AMEND THE COMPREHENSIVE PLAN

WHEREAS, the purpose of the Comprehensive Plan is to provide general guidance to City Agencies, other public agencies, private individuals and organization as they prepare detailed plans, programs or ordinance;

WHEREAS, the Falls Lake is Raleigh's primary water supply and should be protected from wastewater discharge, storm water runoff and sedimentation;

WHEREAS, it was the intent of the City Council to adopt a gross management strategy for the Falls Watershed subsequent to the adoption of the North District Land Use Plan adopted by Resolution No. (1983) - 308;

WHEREAS, after careful review of development patterns and physiographic features of the Falls Lake Watershed, amendments to the North District Land Use Plan are needed to protect water quality of Falls Lake;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF RALEIGH, NORTH CAROLINA:

Section 1. That the North District Land Use Plan be amended to protect water quality for that portion of the Falls Lake Watershed within the Raleigh planning jurisdiction.

Section 2. That the attached document be approved revising the North District Land Use Plan adopted by Resolution No. (1983)-308. The attached document contains planning policies for development of the Falls Lake Watershed.

Adopted: 1/15/85

CP-5-84

FALLS WATERSHED AREA

ADOPTED BY RALEIGH CITY COUNCIL

DECEMBER 18, 1984

"2. Within the Falls Watershed:"

A two-level development pattern is proposed for the City jurisdiction within the Falls Basin. The northern right-of-way line of the proposed Northern Wake Expressway will act as a boundary between the two levels. North of the Expressway properties should be restricted to rural densities. This area, located relatively close to the Falls Reservoir, is designated as a Primary Reservoir Watershed Protection Area. In order to limit stormwater pollution and help preserve natural areas for infiltration, the following will apply:

- Minimum lot size of approximately 2 acres will be allowed in the area;

- No public sewerage facilities will be extended into the area or connected to projects in the area;

- Attention to stormwater management and limitations on the impervious surface on each lot will be required to assure as much natural infiltration of stormwater within the lot as possible.

- Stream buffers will be maintained to minimize pollutant discharge to the water body.

The remaining properties south of the northern right-of-way line of the Northern Wake Expressway are designated a Secondary Reservoir Watershed Protection Area. This area will act as a transition between the urban densities occurring south of Strickland and Falls of Neuse Road, and the rural areas further north. The average density of one dwelling unit per acre should apply in th is area, including cases where extension of public sewer to sites will allow clustering of developments and preservation of substantial open space. Extensions would be allowed if:

- Existing capacity of sewer facilities is adequate for extension;

- Extension is deemed appropriate to promote the provision of public services and facilities in the Raleigh area;

- Stormwater controls and open space maintenance allowed through clustering of developments provide the same benefits for water quality as restrictions in the Secondary Reservoir Watershed Protection Area;

- It is found that annexation of the site is beneficial to the City. Extensions will allow urban densities - those greater than one unit per acre - which will generate demand for urban services which, in turn, should require annexation of the properties to the City.

In addition to the above, the following should apply throughout the Falls Lake Watershed Area:

a. No additional non-residential zoning should be granted within the City's portion of the Falls Lake Watershed;

b. Existing non-residentially zoned land, but with the ability to have residential units developed on it, should be encouraged not to develop to its full residential unit potential;

c. Recognizing that residential development is appropriate and necessary in the Watershed, these units should be concentrated wherever possible on soils and slopes appropriate for such development.

d. Stringent controls should apply to land deemed not appropriate for development;

e. Maximum limits for impervious surface coverage in all new developments within this portion of the Watershed should be implemented;

f. A provision to retain the first one-half inch of stormwater run-off from roads for on-site infiltration should be incorporated into the subdivision regulations;

g. A provision that would insure an undisturbed vegetated buffer along water courses should be incorporated into the subdivision regulations;

h. The City's cluster regulations should be strengthened to insure both adequate provisions of open space and efficient provisions of wastewater services which would permit adequate design opportunities to minimize pollution from stormwater run-off;

i. The proposed Northern Wake Expressway should be located as far away from the Falls Lake as possible;

j. When the Northern Wake Expressway facility is built, extraordinary precautions should be taken to protect the water quality in Falls Lake by use of erosion, sediment controls and stormwater management controls both during and after construction;

k. The need for the Northern Wake Expressway interchanges within the Falls Watershed should be restudied with the goal of minimizing their number and minimizing adverse water quality impacts resulting from their location.

l. Portions of the Northern Wake Expressway right-of-way should be subject to residential density transferred to areas appropriate for development.

THE FRAMEWORK FOR THE PLAN

A. Falls Lake Watershed

1. How should Growth be Accommodated?

The largest portion of undeveloped land in the North Planning District lies north of Strickland Road in the Falls Lake Drainage Basin. This portion of the North District should be designated a Reservoir Watershed Protection Area. Development in the Reservoir Area should be carefully regulated for the following reasons:

(1) Surface drainage from this portion of the Falls Lake Watershed enters Falls Lake within one mile of the raw water intake structure for Raleigh's primary water supply. Pollutants from wastewater discharge, stormwater run-off and sedimentation associated with urban densities can be detrimental to water quality.

2. "Package" sewage treatment plants, which normally are associated with higher density development, pose a threat to water quality because of the potential for malfunction or misoperation. Development regulations in this area should discourage the possibility of such treatment facilities.

A study has been made of the acreage, within Raleigh's portion of the Falls Watershed, to determine what land is not appropriate for extensive development. Land containing 15% or greater slopes and/or soils not suitable for urban-type uses were placed in the not appropriate for urban development category. It was determined that of the approximately 2,800 acres within Raleigh's part of the Falls Watershed,1 about 2,123 (76%) are appropriate for residential development while about 614 acres (24%) are subject to erosion and sedimentation and are critical components of a natural filtration system for surface drainage and should be subject to strict regulation.

B. Perry Creek Basin

That portion of the NOrth District east of Falls of Neuse Road is located in an area known as the Perry Creek Basin. Drainage from this basin enters the Neuse River below Falls Dam and downstream from the Raleigh water supply. The City, the County and the private section have established a funding scheme in this basin to assure the eventual construction of a sanitary sewer system. Until that time, package treatment plants will be allowed within this drainage basin. In anticipation of this sewerage capacity, a more urbanized land use should be considered in the Perry Creek Basin than in the Falls Watershed area.

C. Remaining Areas

In the remaining portion of the North District which is not part of the Falls watershed, slightly higher densities should be encouraged. The overall density of the remaining areas served with gravity flow sewers should average 5 units per acre, instead of the current 3 units per acre. This will be accomplished through a combination of low-density detached unit projects and higher density multi-family projects.

Discussion followed on the location of the Northern Wake Expressway and whether it has been tied down or not with Mayor Upchurch indicating he would discuss this further with any Council member who so desired after the meeting.

COMMITTEES, COMMISSIONS AND BOARDS

PARKS AND RECREATION ADVISORY BOARD - APPOINTMENTS MADE

The Clerk reported the terms of Robert E. Monroe and Jeanette Bennett expired December 23, 1984. Nominations include Mr. Monroe, Ms. Bennett and Patricia Yancey. Nominations have not been closed. Mr. Keller moved that nominations for the Parks and Recreational Advisory Board be closed. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Mr. Monroe - 7 (Block, Cates, Walters, Upchurch, Babb, Keller, Congleton); Bennett - 4 (Cates, Upchurch, Babb, Keller); Yancey - 3 (Block, Walters, Congleton), (Mr. Calloway out of the room during vote). The Mayor announced the reappointment of Robert E. Monroe to the Parks and Recreational Advisory Board.

A second ballot vote resulted as follows: Bennett - 6 (Calloway, Upchurch, Babb, Keller, Walters, Cates); Yancey - 2 (Block, Congleton). The reappointment of Jeanette Bennett to the Parks and Recreation Advisory Board was announced.

HISTORIC PROPERTIES COMMISSIONS - NOMINATIONS MADE

The City Clerk reported two vacancies due to the resignation of Nat H. Rob and Cecila Winslow. Nominations include J. C. Knowles and Mary Margaret Dixon. Nominations have not been closed. Ms. Cates nominated Barri Wells. No further action was taken.

TELECOMMUNICATIONS COMMISSION - LAURA KRANIFELD APPOINTED; ADDITIONAL NOMINATIONS TAKEN; ORDINANCE ESTABLISHING COMMISSION - AMENDED

The City Clerk reported one vacancy due to the resignation of Paul Vandergrift. Nominations include Thomas McCrary and Laura Kranifeld. Nominations have not been closed. There being no further nominations, Ms. Babb moved that nominations be closed. Her motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

A ballot vote resulted as follows: Kranifeld - 5 (Keller, Upchurch, Cates, Block, Calloway); McCrary - 2 (Congleton, Babb) (Mr. Walters did not vote). The Mayor announced the appointment of Laura Kranifeld to the Telecommunications Commission.

The City Clerk reported the Chairman's position on the Telecommunication Commission is vacant. Karen B. Peeler has been nominated, however due to a recent change in the ordinance relating to the Commission, Ms. Peeler is not eligible as she is not a City of Raleigh resident, therefore no nominations are on the floor. Ms. Babb indicated she felt that we should wait to take action on the chairperson until we receive a report back from the City Manager as requested during the last meeting.

The City Clerk reported a number of terms on the Telecommunication Commission expired January 10, 1985 and listed those persons who had been nominated for appointment. Nominations have not been closed.

Mr. Keller indicated recently the Law and Finance Committee recommended, and the Council approved, a change in the residency requirement of the Telecommunications Commission. He indicated the recent change was that we allow up to two persons who live outside the City limits to serve on the Telecommunication Commission. He indicated at that point the Law and Finance Committee did not know that we had three persons presently on the Commission who live outside the city limits, therefore he would move that the ordinance establishing the Telecommunications Commission be amended

to the extent that up to three persons living outside the City limits could serve on the Telecommunications Commission. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 476

AN ORDINANCE TO AMEND THE MEMBERSHIP OF THE RALEIGH TELECOMMUNICATIONS COMMISSION.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Section 9-9002 of the Raleigh City Code be amended to read as follows:

> "The Raleigh Telecommunications Commission (hereinafter referred to as the "Commission") shall be composed of 15 members including a chairman, such members and chairman, such members and chairman to be named by the City Council. Up to three members of the Commission may come from any areas outside the City Limits over which the City exercises telecommunications administrative authority either by grant of franchise or contract with another franchising and governmental unit. The chairman of the commission shall at all times be a resident of the City."

Adopted: 1/15/85

The floor was open for nominations to the Telecommunications Commission. Ms. Cates nominated Allan R. Blatecky. Ms. Block indicated she would like to withdraw the name of Diana Hudgens. No further action was taken.

APPEARANCE COMMISSION - NOMINATIONS MADE

The City Clerk reported the term of Norma Burns expires February 3. She has been nominated for reappointment. Nominations have not been closed. There being no further nominations, Ms. Cates moved that nominations to the February 3, vacancy be closed and that Ms. Burns be reappointed by acclamation. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor announced the reappointment of Norma Burns to the Appearance Commission. The City Clerk reported the term of Betsy Ann Bradshaw expires February 17. Nominations include Ollie Adams. Nominations have not been closed. Mr. Congleton indicated all Council members received a letter from Betsy Ann Bradshaw relative to the Appearance Commission, therefore he would nominate Kitty Beck. Ms. Block indicated she had never really liked for a person to recommend their own successor. She indicated Ms. Adams is a member of the same organization that Ms. Bradshaw mentioned in her letter, but she wasn't nominated because of that. No further action was taken.

GREENWAY COMMISSION - APPOINTMENTS MADE

The City Clerk reported the terms of Stan Williams and Phil Hinton expire February 17, 1985, both have been nominated for reappointment and nominations have not been closed. There being no other nominations, Mr. Congleton moved that nominations to the Greenway Commission be closed and Mr. Williams and Mr. Hinton reappointed by acclamation. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

HOUSING APPEALS BOARD - NOMINATIONS MADE

The City Clerk reported the term of Terry Safran expires February 3, 1985. He is eligible for reappointment and has an excellent attendance record. No nominations have been made. Mayor Upchurch nominated Mr. Safran.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATIONS MADE

The City Clerk reported the term of Frank Brooks expires February 1, 1985. The term of Grover Bland expires February 6, 1985. Both are eligible for reappointment and have good attendance records. No nominations have been made. Mr. Congleton nominated Dr. Ann McGee. No further action was taken.

FIREMAN'S RELIEF FUND - BOARD OF TRUSTEES - NOMINATION MADE

The City Clerk reported the term of R. E. Keith expires February 3, 1985. He is eligible as far as length of service is concerned. The City Clerk reported the person serving in this position must be a City of Raleigh resident. No nominations have been made. Ms. Block nominated Mr. Keith. City Attorney McCormick indicated there is some question as whether Mr. Keith is a resident of the City, but we will check it out prior to the next meeting.

ARTS COMMISSION - NOMINATIONS MADE

The Clerk reported the term of Denise Parks Harper expires March 15, 1985. She is eligible for reappointment and has an excellent attendance record. No nominations have been made. Mayor Upchurch nominated Ms. Harper. Mr. Congleton nominated Katie McCoy, no further action was taken.

ELECTRICAL EXAMINING BOARD - NOMINATIONS MADE

The Clerk reported the terms of Contractor Representative - R. E. Wimberly and Micky Stout expire March 15, 1985. They are eligible for reappointment. No nominations have been made. Mr. Calloway nominated Mr. Wimberly. Mayor Upchurch nominated Mr. Stout. No further action was taken.

FAIR HOUSING HEARING BOARD - NOMINATIONS MADE

The Clerk reported the terms of Francis Roberts and James Colson expire March 17, 1985. Both are eligible for reappointment and have good attendance records. Mr. Calloway nominated Mr. Roberts, Mr. Congleton indicated he had contacted Mr. Colson and Mr. Colson does not wish to be reappointed. Mr. Congleton nominated Sonja Barnes. No further action was taken.

DOWNTOWN ADVISORY COMMITTEE - APPOINTMENTS CONFIRMED

The City Clerk indicated the majority of persons serving on the Downtown Advisory Committee are representatives from various organizations. The City has received a request from the Chamber of Commerce that Steve Harrell be designated as their representative to replace Bruce Hudson. There has also been a request from the Civic Center Attorney that the Council designate Bill Phillips as the present representative, Clarence E. Lightner is no longer on the Civic Center Authority. The Clerk indicated if the Council so desires, it would be appropriate to confirm these appointments. Mr. Walters moved the appointments be confirmed. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ECONOMIC DEVELOPMENT ROUND TABLE - INFORMATION RECEIVED

The City Clerk indicated she had received a letter from Ron Stamey indicating he would no longer be able to serve on the Economic Development Roundtable as he is moving out of the City. She stated it is not necessary, but if the Council so desires, they could appoint a replacement for Mr. Stamey. It was agreed to hold this item and possibly appoint Mr. Stamey's replacement at Southern Bell to the Economic Development Roundtable.

PLANNING COMMISSION - COUNTY APPOINTMENT ANNOUNCED

The City Clerk indicated Charles Edward Grady, Jr., has been appointed by the Board of County Commissioners to fill the unexpired term of Clifton Woodlief on the Planning Commission. Mr. Grady's term will run through June 30, 1985.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

YMCA - EXTENSION OF ETJ AND UTILITIES - REFERRED TO INTERGOVERNMENTAL LIAISON COMMITTEE FOR REPORT BACK TO LAW AND FINANCE COMMITTEE

Chairman Keller reported the Law and Finance Committee recommends that this item be held in Law and Finance Committee; however, requests that the Intergovernmental Liaison Committee discuss with the County representatives the question of the extension of the ETJ in this area and report their recommendations back to the Law and Finance Committee as soon as possible so that discussions may continue. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb. Mr. Congleton indicated during the discussion on CP-5-84 he heard Ms. Cates talk about extending public facilities into the area below the Northern Expressway. He indicated if that is the case, it seems like we could work this out so that utilities could be extended to the "Y" site as it is a needed facility. Ms. Cates indicated in her statement she was eluding to the Planning Commission's recommendation, but was not going on record of supporting the extension of water and sewer into the Falls Basin. The motion as stated was put to a vote and passed unanimously.

TRAFFIC - SPEED LIMITS IN CENTRAL CITY NEIGHBORHOODS - REFERRED TO ADMINISTRATION FOR IMPLEMENTATION; ITEM RETAINED IN COMMITTEE

Mr. Keller reported the Law and Finance Committee recommends that the Department of Transportation work with representatives of the neighborhoods (Bob Bode of Cameron Park and Charles Meeker of the Boylan Heights area) to develop locations for the addition of stop signs in these two areas to help control speeding, etc. The Committee also recommends that the Police Department be instructed to strictly enforce speed limits in these areas and that the staff also look at the possibility of lowering the speed limits on all streets in these areas to 25 miles per hour. The Committee requests that the item remain on its Agenda so that an evaluation of these methods could be made at the end of six months following implementation of the new stop signs, etc. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Ms. Babb.

Ms. Block indicated she does hope that Administration will strictly enforce the speed limits in this area. She indicated she does see police in the area enforcing the speed limits, but one of the main concerns is during rush hours, particular on Dorothea Drive. In response to questioning, Mr. Keller indicated the Law and Finance Committee felt that administration should go ahead and implement this recommendation, but the item would be retained in Law and Finance Committee for evaluation at the end of six months. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-191-84 - WESCO SUBDIVISION - APPROVED

Mr. Keller reported the Law and Finance Committee recommends approval of this subdivision according to a map entitled, "Wesco Subdivision," the property of J. W. York, drawn by John A. Edwards Company. As a matter of information, this subdivision includes the dedication of the right-of-way for Raleigh Boulevard extension but does not require the developer to provide the street improvements to Raleigh Boulevard. On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-281 - YORK PROPERTIES - APPROVED WITH CONDITIONS

Mr. Keller reported the Law and Finance Committee recommends recommends that this request be approved according to a map entitled, "York Property," the property of York Properties, drawn by Jerry Turner and Associates, dated November 26, 1984, with the following condition: That the developer be allowed to post a bond or security in lieu of road improvements equal to the amount to cover one-half of a 65-foot back-to-back street plus sidewalk along the frontage on NC 50.

On behalf of the Committee, Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

UTILITY EXTENSION - CLARIFYING ORDINANCE - ADOPTED

Mr. Keller indicated Council Members received in their Agenda packet a proposed ordinance to clarify the intent of the code in situations relating to water and sewer extensions and requirements which is recommended for adoption. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 477

AN ORDINANCE TO CLARIFY SECTION 8-2006 OF THE RALEIGH CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. A new last sentence shall be added to the Raleigh City Code §8-2066 which shall read as follows:

"These restrictions shall also apply to any properties separated by conveyance after April 17, 1984, except if the property is separated from a parcel which on April 17, 1984 is two acres or less in size."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 5. This ordinance shall become effective five days following its adoption.

Adopted: 1/15/85

Effective: 1/20/85

SIDEWALK INSTALLATION - WILLOW RUN SUBDIVISION - TO BE INSTALLED

Mr. Keller reported the Law and Finance Committee recommends that sidewalks be installed according to the approved subdivision plan for Willow Run. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

WATER AND SEWER EXTENSIONS - EAST QUADRANT - REMOVED FROM THE AGENDA

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda as the matter as related to the Perry Creek/Neuse River sewer project has been resolved. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

NORTHEAST DEVELOPMENT - REMOVED FROM THE AGENDA

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda as the matter as related to the Perry Creek/Neuse River Sewer Project has been resolved. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UTILITIES - CAMERON SHERRON PROPERTY - EXTENSION APPROVED CONDITIONALLY

Mrs. Block reported the Public Works Committee recommends concurrence in this request to extend public water and sewer to serve the Cameron Sherron tract located on the north side of Fox Road, subject to Mr. Sherron formalizing an agreement with Eastman Development Company for the treatment of sewage until the package plant is eliminated by the construction of the Neuse River/Perry Creek Outfall. On behalf of the Committee, Ms. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PU 1984-3 - HARE SNIPE OUTFALL - RESOLUTION ADOPTED

Ms. Block reported the Public Works Committee recommends the adoption of a resolution directing PU-1984-3 as advertised. She explained action on Mr. Broughton's question relating to his assessment will be taken at the time of the public hearing confirming the assessments for this project. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 693.

TRAFFIC - NO PARKING ON EAST STREET - REMOVED FROM THE AGENDA

Ms. Block reported the Public Works Committee recommends removal of this item from the Agenda as the matter has been resolved. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-116-84 - WEST OF U.S. 1 NORTH - TO BE PLACED ON FEBRUARY 5, 1985 AGENDA

Mrs. Block reported the Public Works Committee recommends that the recommendation of the Planning Commission be upheld; that is, that the Industrial-I portion be extended westward to the proposed centerline of Pine Knoll Drive (extended), being some 3.1 net acres, and that the remainder of the tract (some 10.45 acres) be rezoned from Residential-6 to Residential-10, all according to the map entitled, "US 1 Industrial Property," drawn by LaMarr Bunn and Associates, dated November 19, 1984 (amended). It is noted at the site plan approval stage, the storm water management strategies as presented by the petitioner, will be considered further.

Mrs. Block indicated since the meeting, she has had a request from Attorney Clyde Holt that action be deferred on this item one more time as he would like to work out some problems with adjacent property owners. Without objection, it was agreed to hold this item until the February 5, 1985 Agenda.

ABANDONED VEHICLE - APPEAL DENIED

Mrs. Block reported the Public Works Committee recommends that the appeal of the Inspections Division relating to the abandoned vehicle at B-23 Washington Terrace be denied. Mrs. Block indicated the automobile has been removed, therefore no action is needed on this item.

DYLAN-HEATH TOWNHOMES - REMOVED FROM THE AGENDA

Mrs. Block reported the Public Works Committee recommends removal of this item from the Agenda as the Inspections Department has reported that the remaining items for which the City has some enforcement responsibility have been resolved. On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY INTERGOVERNMENTAL LIAISON COMMITTEE

LEGISLATIVE PACKAGE - APPROVED AS AMENDED

Chairman Calloway reported included in the Council Members' Agenda packet was a proposed legislative package. The Committee recommends approval of these items as presented with the following exceptions:

Item (3)(b) - Development Impact Fees

The local ordinance has not been drafted. The Committee recommends advising the delegation that an ordinance is in the preparation process and will be forthcoming early in their session.

Item (5) - Economic Development

This package is being prepared by the City Manager and will be coming back to the Council for review upon its completion.

On behalf of the Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

LEGISLATIVE DELEGATION - RECEPTION - APPROVED - FUNDS APPROPRIATED

Included in Council Members' Agenda packet were recommendations and suggestions for the reception to be held at 6:00 p.m. on February 28, 1985, in the East Assembly Room of the Civic Center. The Committee recommends approval of these recommendations with the exception that Leigh Wilson (League of Municipalities) and the Intergovernmental Committee of the League be included on the guest list. The Committee further recommends approval of a $7,000 transfer from the General Fund Contingency to cover costs involved. On behalf of the Intergovernmental Liaison Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Walters. It was pointed out that a letter had been received from the Little German Band indicating they would like to play at the reception. That was referred to Administration. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 473 TF 13.

LEGISLATIVE BREAKFAST - APPROVED

The Committee recommends that the Legislative delegation be invited to a breakfast on Tuesday, January 29, at 8:00 a.m. in the VIP Lounge of the Civic Center (Country Breakfast). On behalf of the Intergovernmental Liaison Committee, Mr. Calloway moved the recommendation be upheld. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

PA-245 - GLENWOOD AVENUE OFFICE BUILDING - DEED RECEIVED

Chairman Walters indicated there was an item in the Real Estate Committee relating to dedication of right-of-way relating to Plan Approval - 245 - Glenwood Avenue Office Building. He indicated the developer has conveyed a deed of easement to the City of Raleigh for the additional right-of-way required in the plan approval, therefore the item can be removed from the Agenda with no further action taken. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TRIANGLE J - COG MEMBERSHIP FEES - REFERRED TO INTERGOVERNMENTAL COMMITTEE

A proposal has been submitted to local governments to revise the basis for calculating annual dues. Attached to Council Members Agenda was a summary of the potential impact of the revised method of calculation. The change would be to use annual population estimates from the State rather than relying on the Federal census. The fee to the City is based on the population base plus the rate.

It does appear that the revised method will place a greater share of the Triangle J budget on those local governmental units which are growing at a relatively fast annual rate. This would include Raleigh.

Recommendation: This proposal implies that the services provided by the Triangle J COG are directly related to population growth. That is a questionable assumption, especially as it applies to the City of Raleigh.

If the Council chooses to approve the revision, it is recommended that the Council also include in the approval a stipulation that the change in formula not be used to provide an automatic fee increase to the City each year.

Mrs. Block indicated the night this came up, she didn't raise any major objections as any charter change has to be confirmed by two thirds of the local governments involved in Triangle J. She indicated they assumed that benefits are based on population of a City and she does not really feel that is correct as she feels the smaller towns get more benefits than the larger towns. Ms. Block moved that the Council deny the request. Her motion was seconded by Mr. Keller. Mr. Walters indicated he served on the Subcommittee that recommended this change, explaining we pay on per-capita now. He stated rather than have a large increase in fees every ten years, we would have a small increase each year if our population grows. Ms. Block stated she feels it should stay the way it is now. Mr. Walters pointed out if the City turns this down then the entire recommendation will fail. He stated Triangle J does a lot for us and just because we are big, we should not deny them this right. Ms. Cates indicated she feels we receive many benefits from Triangle J and the benefit of Triangle J help the small towns in the

area which in turn helps the City of Raleigh. Mayor Upchurch indicated since we are divided on this issue, maybe it should go to a committee for further study. Mr. Walters moved Triangle J COG's request to revise the basis for calculating annual dues be referred to the Intergovernmental Committee. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SIR WALTER RALEIGH AWARD - JURY SELECTED - COUNCILMAN CONGLETON NAMED CHAIRPERSON

The deadline for entries to the Sir Walter Raleigh Award for community appearance was January 11, 1985.

In accordance with the guidelines established for the awards program, the City Council appoints the jury and a member of the City Council to serve as chairperson.

The following individuals have been recommended by their respective commissions to serve as jurors:

Vince Zucchino, Appearance
Marge Haywood, Historic Properties
Bob Monroe, Parks Board
Mr. Malcolm Williams, Planning

Recommendation: That City Council affirm the recommendations of the respective commissions and select a member of the Council to serve on the jury as chairperson. Ms. Block moved approval of the listing as submitted. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted. The Mayor appointed Councilman Congleton as Chairperson of the jury, pointing out Mr. Congleton is the Council Liaison to the Appearance Commission.

NATIONAL MAIN STREET PROGRAM - LETTER OF INTENT AUTHORIZED; ADMINISTRATION TO PREPARE LIST OF BENEFITS OF PROGRAM

The National Main Street Center has announced an Urban Demonstration Program to extend its highly successful revitalization program from small towns to cities of over 50,000 population. Raleigh is eligible to apply and, if selected, would be one of eight cities nation-wide to participate in adapting the principles of the Main Street Program to larger cities. It is believed that the City can benefit from this program by drawing on the expertise and resources of the center. The City would be expected to contribute approximately $60,000 in staff and support costs. These funds are currently appropriated. An additional $30,000 may be required in payment to the Main Street Center for consultation services.

Recommendation: To be eligible to submit an application for this program, a letter of intent is to be submitted by January 31, 1985. It is recommended that the City Council authorize such a letter and refer the program to the Downtown Committee for further review. A final application would be submitted in March if approved by the Council. Mr. Walters moved approval, pointing out he believes there are only 15 cities nation wide that are eligible and he feels that the City of Raleigh would have an excellent chance. His motion was seconded by Ms. Cates. Mrs. Block stated she would like to know what we would be getting for the $90,000. Ms. Babb indicated when she worked for the State, her division handled the

Main Street program and North Carolina was one of five states to be picked to participate. She indicated this is an extremely good program and she feels the City would benefit greatly. City Manager Benton indicated the $60,000 would be in-kind services with Ms. Block stating she would like to see a list of benefits we would receive from this program. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted and asked Administration to prepare a listing of the benefits of this program.

TRANSIT TRANSFER POINT PROJECT - BUDGET AMENDMENT AUTHORIZED

It is necessary to amend the budget for the Transit Transfer Point to reflect the additional cost of property acquisition associated with the project and its expansion in size as previously approved by the Council. The additional cost to the City is $59,287.10 which is the City's 10 percent share. Included in the Council Members' Agenda packet was a report on this project.

Recommendation: That the following budget amendment be approved.

The following accounts should be increased by:

Revenue Account:		
42-1-6000-0100	UMTA NC-05-0031	$474,296.80
42-1-6000-0101	State 84-C-01	59,287.10
42-1-6000-0102	City	59,287.10
		$592,871.00
Expense Account:		
42-2-6000-0100	Administration	$ 5,000.00
42-2-6000-0101	Construction	471,221.00
42-2-6000-0103	Right-of-Way	116,650.00
		$592,871.00

City Manager Benton briefly explained the project and needed budget amendment. Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 472 and 480 TF 14.

ORDINANCE NO. (1985) 480 TF 14

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	General Fund Contingency	$59,287.10
To 01-2-9920-0101	Approp. to Other Funds	59,287.10

Purpose: To appropriate additional City funding of Off-Street Transit Facility approved by Ordinance No. (1985) 472 on 1/5/85.

Adopted: 1/15/85

ENCROACHMENT - 2822 VAN DYKE AVENUE - APPROVED WITH STIPULATIONS

The dwelling at this address encroaches onto the public right-of-way. A map was included in the Council Members' Agenda packet. As noted, the house does extend approximately 5 feet into the right-of-way and is 3 feet, 8 inches behind the curb. The City does not have specific plans to widen Van Dyke Avenue.

Recommendation: That the City Council approve the execution of an encroachment agreement which would allow the dwelling to remain as it presently exists. The agreement should stipulate a reversion of the right-of-way if the house is moved, demolished, or destroyed.

Mrs. Block moved administration's recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

DAVIE STREET WIDENING PROJECT - CONTRACT CHANGE ORDER AND CONTRACT AMENDMENT - APPROVED - FUNDS APPROPRIATED

This is a Community Development project which includes improvements to Davie Street. A section of Davie Street between Alston and Camden Street needs to be included in this project. A change order with the contractor, Gelder and Associates, has been negotiated at an amount of $50,950.50. In addition, a design fee adjustment with the consulting engineer, Boney and Associates, in the amount of $4,000 would be needed.

Recommendation: That Change Order #1 with Gelder and Associates in the amount of $50,950.50 be approved; that the consulting engineer's contract with Boney and Associates be approved in the amount of $4,000. The Agenda presented the appropriate transfer of funds that would be needed. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 473 TF 13.

CROSS LINK ROAD PROJECT - CONTRACT WITH ENVIROTEK APPROVED - FUNDS APPROPRIATED

On December 18, 1984, the Council approved the Cross Link Road Project from Rock Quarry Road to Lyndhurst Road on the new alignment. Because this is a project which needs to be designed and built prior to completion of the commercial development now underway, it is desirable to retain an engineering firm to get this project underway at this time.

The firm of Envirotek has been contacted and is willing to perform the design services for a fixed fee of $9,000. This firm has conducted preliminary design studies related to the shopping center development and can commence the work at this time.

Recommendation: That the proposed contract with Envirotek be approved and that the transfer of funds as outlined on the Agenda be upheld. Mr. Calloway moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 473 TF 13.

SEWER RELOCATION PROJECT - APPROVED - EASEMENT ACQUISITION AUTHORIZED

The Public Utility Department is proposing the subject sewer relocation project serving Delta Sigma Phi Fraternity along Tryon Road at Raleigh Golf Association (RGA). The project is necessary due to the existing sewers being undermined and uncovered by a shifting creek which originally paralleled the sewers but now is in confluence with the sewers to the extent manholes are now in the creek. The relocation project involves approximately 778 lineal feet of 8-inch PVC/DIP sewer from an existing manhole north of the fraternity house to an existing manhole located just south of Bruce Circle off Fairway Drive and Tryon Road. This plan will require easement acquisition from RGA, since it proposes to cross their 17th fairway. Estimated cost of the project is $20,000 and will eliminate a current infiltration/inflow problem sewer main.

Recommendation: That the project, as proposed, be approved and that the City Council authorize easement acquisition. Ms. Cates moved Administration's recommendation be upheld. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TEXT CHANGE 270 - FALLS BASIN - REFERRED TO WORK SESSION

As recommended by the State and Triangle J Council of Governments, the proposed ordinance includes requirements to capture the first 1/2-inch of stormwater run-off from impervious surfaces. The ordinance imposes this requirement for all streets and impervious surfaces on a lot which exceed the impervious surface limits recommended by the State and Triangle J COG. The ordinance refers only to retention of the stormwater on a lot or subdivision.

Due to the problems of percolation of stormwater into the soils found in the Falls Basin area, an alternative allowing temporary retention of stormwater, for settling out of sediments and pollutants, should be allowed in the Code. A time period of twelve hours of retention is recommended, based on research done by the Metropolitan Washington Council of Governments.

Recommendation: That the Council authorize the staff to make minor revisions to TC-270 to allow this alternative.

City Manager Benton indicated based on the action earlier in the meeting relating to TC-270 the Council may want to refer this item to the Special Work Session. Mrs. Block moved that this be referred to the Special Work Session scheduled for January 29. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET CONSTRUCTION - DESIGN CRITERIAL - ADMINISTRATION'S INTERPRETATION UPHELD; PROPOSED TEXT CHANGE RELATING TO SECTION 10-3049 - AUTHORIZED

In May 1980, the City Council amended Section 10-3051 of the City Code which refers to the requirements for sidewalks on new streets. The action reduced the areas where sidewalks are required on either side or one side of many streets.

Section 10-3049 of the City Code refers to the grading requirements for new streets and the amount of the right-of-way which must be graded behind the street. In the late 1970's, the City adjusted its requirements from requiring the full right-of-way to be graded to requiring grading of 3½ feet behind the curb on the "non-sidewalk" side and full right-of-way behind the curb on the "sidewalk" side.

The problem now is that the 1980 action substantially reduced the areas where sidewalks are required. Therefore the implication is that on such streets both sides of the street would have to be graded only 3½ feet behind the curb. Under such a condition, there is no shoulder area for infrequent pedestrian usage which may not be sufficient to justify a sidewalk and the area available to install the numerous underground utilities is greatly reduced.

It appears that the question of shoulder grading was not given proper and adequate attention in the 1980 Code revisions. The City should retain the shoulder grading requirement on one side to meet general pedestrian needs and underground utility requirements. However, the present Code does not provide for this requirement.

Recommendation: That the City Council concur with Administration's intent to continue the grading requirement of full width on one side and authorize a text change hearing for Section 10-3049 to clarify that full width right-of-way grading is required on one side even though sidewalks are not required.

Mr. Walters indicated he believes that this was the original intent of the City Council with Ms. Block agreeing questioning why we would need the text change. City Manager Benton indicating the text change is needed to clarify the Code and to make 10-3049 comply with 10-3051. Mr. Walters moved administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ACREAGE FEE CLARIFICATION - ORDINANCE ADOPTED

In the acreage fee program, there is a need to clarify more precisely the area which is to be used to calculate the amount to be paid. A proposed ordinance was included in the Council Members' Agenda packet. This approach would precisely describe the area as

being that which is in a lot or tract as defined on a recorded map. This would eliminate the process of calculating a part of adjacent street right-of-way in each lot's acreage.

Recommendation: That the proposed ordinance defining the "gross acre" be approved. Mr. Keller moved Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1985) - 478

AN ORDINANCE TO ADD A NEW DEFINITION TO ARTICLE B PART 8 OF THE RALEIGH CITY CODE.

Section 1. Section 8-2061 of the Raleigh City Code is hereby amended to add a new subsection, 8-2061(3), which shall read as follows:

> "Gross acre. "Gross acre" shall mean the total area contained within any lot, tract or parcel, including common areas and private streets for developments authorized by Article D Chapter 3 Part 10 of this code, which is derived from a map recorded with the Wake Registry notwithstanding any lien, covenant, land use restriction (such as floodway) or public or private easement which may affect the lot, tract or parcel; each lot, tract or parcel."

Section 2. All ordinances and clauses in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the ordinance which can be given separate effect and to this end the providions of this ordinance are declared to be severable.

Section 4. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code.

Section 5. This ordinance shall become effective immediately.

Adopted: 1/15/85

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

FIREMAN'S RELIEF FUND - BROAD OF DIRECTORS RESIDENCY REQUIREMENT - TO BE INCLUDED IN LEGISLATIVE PACKET

City Attorney McCormick indicated, presently State Law requires a fireman to live within the City Limits to be eligible to serve on the Fireman's Relief Fund - Board of Directors. He indicated there has been a change in the residency requirement for fireman and the fire personnel are desirous of a change so that any member of the Fire Department would be eligible to serve on the Board of Directors. He indicated we could add this to our legislative packet, pointing out it would be a local bill asking that any member of the Fire Department be eligible to serve on the Board of Directors of the Fireman's Relief Fund. Mr. Walters moved that this item be included in our legislative package. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

EASEMENT - LAKE BENSON - REFERRED TO REAL ESTATE COMMITTEE

City Attorney McCormick indicated there is a water line easement leading from Lake Benson that the City no longer has a need for and interest has been expressed by a private party to acquire this easement. He stated he would like to refer this matter to Real Estate Committee. Without objection, the item was referred to the Real Estate Committee.

WORKMAN'S COMPENSATION CLAIM - POLICE ATTORNEY AUTHORIZED A TRIP TO CALIFORNIA - FUNDS APPROPRIATED

City Attorney McCormick indicated the City is involved in a very unique Workmen's Compensation claim involving an area of law and an issue new to North Carolina. He indicated a deposition is going to be given in California and he feels it is necessary that the Police Attorney be present during the deposition. He stated the total cost for sending the Police Attorney to California would be approximately $1,000 and he would recommend that the City Council appropriate this money from Council Contingency to the appropriate account to allow the Police Attorney to travel to California in connection with this Workman's Compensation deposition. Ms. Babb moved the Attorney's recommendation be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 473 TF 13.

REPORT OF MAYOR AND COUNCIL MEMBERS

WORK SESSION - JANUARY - COUNCIL

Mayor Upchurch indicated he would be out of town on Thursday, which is a regularly scheduled Work Session and he had asked Mr. Walters to preside. Discussion took place on what items would be on the Work Session Agenda on Thursday. Mr. Walters moved that the January Work Session be cancelled. His motion was seconded by Ms. Cates. Ms. Babb indicated one of the items on that Agenda is the arena report and if they have something written that maybe it could be forwarded to the Council prior to the February Work Session. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ADJOURNMENT

Mayor Upchurch indicated because of the time, he would suggest that the Council adjourn and reconvened at 6:30 p.m. to continue the report of the Mayor and Council Members and the report of the City Clerk prior to beginning the zoning hearing. Without objection, the meeting adjourned at 5:35 p.m. to be reconvened at 6:30 p.m.

NIGHT SESSION

REPORT OF MAYOR AND COUNCIL MEMBERS - CONTINUED

TRAFFIC - STOP LIGHT AT BROOKSIDE/WAKE FOREST ROAD - TO BE INSTALLED

Mr. Walters indicated with the opening of the improved section of Wake Forest Road, the stop light was not reinstalled at Brookside/Wake Forest Road. He indicated this was discussed at a recent Council meeting. He stated he had received a letter and petition sign by over 50 names of parents at the two schools in the area who are very concerned about the safety of their kids, therefore he would move that the Council instruct Administration to reinstall the stop light at Brookside/Wake Forest Road. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 479.

STREET IMPROVEMENTS - CROSS LINK ROAD - RESOLUTION DIRECTING PROJECT ADOPTED

Mr. Walters indicated he had received a petition signed by property owners along the portion of Cross Link Road that was considered for improvements at a recent Council meeting. He indicated at that Council meeting, the City Council adopted a resolution directing the improvements of the realigned Cross Link Road through the proposed shopping center but deferred action on the rest of the project. He stated the petition is asking that the City proceed with the improvements along Cross Link Road as discussed at the hearing, therefore he would move adoption of a resolution directing street improvements along the remaining section of Cross Link Road as heard during a recent Council meeting. His motion as seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 694

A RESOLUTION DIRECTING THAT STREET AND SIDEWALK IMPROVEMENTS BE MADE AT LOCATIONS DESCRIBED HEREIN AND THE COST THEREOF ASSESSED

WHEREAS, by virtue o Article 10 of Chapter 160A of the General Statutes of North CArolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

> Cross Link Road, 41 feet back-to-back, from existing curb and gutter east of Old Garner Road to existing curb and gutter at Hadley (Platinum Avenue) with installation of sidewalks on one side.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e., one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cot as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. The entire cost of sidewalks shall be assessed property abutting directly on the sidewalk improvements at an equal rate per foot of such cost according to property frontage except where indicated sidewalks are to be installed on one side of the street in which case property on both sides of the street will be assessed at an equal rate per foot to the extent of property frontage.

Section 4. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code o the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted 1/15/85

PRIVILEGE LICENSE - BEAR'S DEN - APPROVED

Ms. Cates indicated the Bear's Den at Cameron Village has applied for a privilege license - live entertainment and she understood all of the investigations were complete but it was not complete in time to get on this Agenda. City Manager Benton indicated they have applied for a dance hall, live entertainment - class II entertainment center. He indicated they have met all requirements of the code. Ms. Cates moved approval of the previous license license for Bear's Den as applied for. Her motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CABLEVISION ADS - ADMINISTRATION TO PROVIDE REPORT

Ms. Cates indicated recently there has been an ad in the paper that she finds rather offensive. This ad relates to Cablevision. She stated she thought we were getting a state of the arts system and one that would prevent thievery of cablevision. She stated she might be stealing cablevision, as occasionally HBO comes over her screen and she had not applied for it. She stated she feels that this is bad public relations and reflects very poorly on Cablevision of Raleigh. She stated she would like a report from Administration providing the extent of cablevision lost through thievery and what cablevision intends to do after the January 31 amnesty. She questioned what they plan to do to confessors and to those who do not confess. Administration was asked to provide a report.

TREE PROGRAM - TO BE CONSIDERED IN REGULAR BUDGET PROCEEDINGS

Mrs. Block pointed out we are about to go to a budget hearing and she would like for the budget to show $25,000 to purchase trees and another $25,000 for administration of our tree program and tree ordinance. She stated in addition she would like for administration to provide, in water bills, a policy whereby the City would offer the opportunity for trees to be placed on city streets or in our parks as a memorial. She stated maybe we could require a $200 and up contribution, but she just wants administration to develop a program. Her motion was seconded by Mr. Upchurch. Mr. Congleton indicated he feels that this should be considered along with the regular budget. Mrs. Block then amended her motion to indicate that she wanted administration to be aware that she want a program such as this in the budget and wanted administration to develop a program whereby the City can go to the citizens. In other words, refer the item for administration for consideration in the budget. Her motion was seconded by Mr. Upchurch and passed unanimously.

SIDEWALK IMPROVEMENTS - WESTERN BOULEVARD - RESOLUTION OF INTENT ADOPTED

Mrs. Block indicated she would like to propose that the City Council install sidewalks on Western Boulevard from Gorman Street to Method Road to be assessed against property owners as well as the installation of a bike trial, from the end of the trial on Western Boulevard along the sewer line at Boylan Heights. She stated we do need sidewalks. She moved that the recommendation be upheld. Her motion was seconded by Mr. Keller. City Manager Benton indicated administration has looked at this project and there is some problems relating to the cost of right-of-way for sidewalks. He stated these funds would have to come out of street bonds and annual street construction appropriation. He stated may be it would be best to look at this in the context of the capital improvement program with Ms. Cates indicating she would like for it to be considered in context of the total budget. It was agreed to go ahead with the resolution of intent and then it could be considered from that point. The motion as stated was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 695

A RESOLUTION OF INTENT TO MAKE SIDEWALK IMPROVEMENTS AS DESCRIBED HEREIN AND TO SET A PUBLIC HEARING

WHEREAS, the City Council under the provisions of Section 6.44 of the Charter of Raleigh, Chapter 1184 of the Session Laws of North Carolina, 1949, as amended, is authorized to require sidewalk improvements without petition under the conditions therein set out; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the following sidewalk improvements be made and that the cost thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Section 6.44 of the Charter of the City of Raleigh; Chapter 1184, Session Laws of North Carolina, 1949, as amended:

> Installation of sidewalks on both sides of Western Boulevard from Gorman Street to Method (Kent) Road

Section 2. Sidewalk improvements shall be assessed according to property frontage on the improvements and shall be assessed by an equal rate per foot of such frontage. If it is determined that a sidewalk shall be constructed on only one side of the street, the cost thereof may be assessed property abutting on both sides of the street by an equal rate per foot of frontage, unless there already exists a sidewalk on the other side of the street, the total cost of which was assessed abutting property.

Section 3. That the terms and manner of payment of sidewalk improvement assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in equal annual installments, such installments to bear interest at the rate of 6% per annum on any unpaid balance.

Section 4. That the said improvements shall be done by contract after due notice and advertisement for competitive bids in accordance with provisions of Section 6.11 of the Charter of the City of Raleigh and other pertinent provisions of the Charter and of the General Statutes of North Carolina.

Section 5. That a public hearing on all matters covered by this resolution shall be held on Tuesday, March 5, 1985, in the Council Chamber, Municipal Building, Room 201, at 7:00 P.M., or as soon thereafter as the matter can be reached.

Adopted: 1/15/85

GREENWAY - NEUSE RIVER SEWER LINE - COMMENTS RECEIVED

Mrs. Block indicated on April 17, 1984, a resolution was adopted relating to the installation of a sanitary sewer main up the Neuse River. She stated she was bringing this up just to make sure that Administration knows that during the acquisition of an easement for the sanitary sewer that we should also acquire an easement for greenway. City Manager Benton indicated that is the City's intent, that is, to try to negotiate an easement for Greenway at the same time we negotiate the easement for sanitary sewer. He stated however there may be some problems, pointing out where condemnation action is required, the decision will have to be made on a case by case basis. Comments were received.

CABLEVISION - LETTER FROM RALPH EMANUEL - RECEIVED

Mr. Congleton indicated he had received a letter from Ralph Emanuel who asked that the letter be put into the Council minutes. The letter was given to the Clerk and read as follows:

> "I feel that I have been grossly misled about the cost of continuing to subscribe to Cablevison under the new 60 channel format. It was widely advertised that the cost of service for a home converting to the new format and otherwise maintaining the same level of service would be comparable to the cost prior to conversion.
>
> At the time that I converted to the new format, my bill for the same service (except for the 60 channels) went from $18.95 per month to $28.90 per month. I do not think that anyone would consider a cost increase of over 50% as comparable cost, and the cost has risen again with the increase in the price of HBO.
>
> I urge the City Council to carefully consider this the next time that the contract for cable television in Raleigh comes up for renewal."

CARROLL MIDDLE SCHOOL - POSSIBILITY OF LIGHTING TRACK - REFERRED TO ADMINISTRATION TO WORK WITH SCHOOLS

Mr. Congleton indicated North Raleigh - particular Carroll Middle School track is becoming a very popular place to jog. He asked that Administration look at the possibility of negotiating with the Schools in terms of lighting that particular area. Without objection, the item was referred to Administration.

INSPECTIONS - 614 NORTH BOYLAN - REFERRED TO ADMINISTRATION

Ms. Babb indicated she would like for Administration to check an activity at 614 North Boylan. She stated some development is going on and she has had some complaints that the development is not appropriate for the zoning. Without objection, the item was referred to Administration.

POLICE REPORT - TO BE PRESENTED

Ms. Babb questioned when the report will be given from Administration as requested by the Mayor relating to the Police Department. City Manager Benton indicated he hoped to complete it this week and it would be given to the Council as soon as possible.

REPORT AND RECOMMENDATION OF THE CITY CLERK AND TREASURER

MINUTES - DECEMBER 4 AND DECEMBER 18 - APPROVED

The City Clerk indicated Council Members received copies of the December 4 and December 18 Council meetings in their Agenda packet. Mr. Walters moved approval of the minutes as presented. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED

Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listings as submitted by the Wake County Tax Supervisor for refunds made during October and November 1984, for clerical error purposes only. Mr. Keller moved that the Clerk's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 696

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-278.7 and 278.4, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the city Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1985	Specialized Services for Children, Inc.	$2,587	Approved
1985	Board of Directors Hospice of Wake County, Inc.	$9,000	Approved
1985	New Bern Avenue Day Care Center, INc.	$6,300	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 1/15/85

RESOLUTION NO. (1985) 697

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund o the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Campos, Rita Renee & Henry E.	01-2-5792236	$ 101.13	Error-Illegal Bill
1984	Debnam, Judith Allen	11-8-5256932	12.62	Error-Illegal Bill
1983	Debnam, Judith Allen	11-2-5410169	13.49	Error-Illegal Bill
1984	Harris, Johnny Ray	16-2-5716194	78.03	Error-Illegal Bill
1984	Hill, Daniel F. & Margaret Y.	01-2-5260261	85.22	Error-Illegal Bill
1984	Hutson, Larry M. & Sylvia A.	01-2-5242376	20.80	Error-Illegal Bill
1984	Baker, Martha	01-2-5255897	31.60	Error-Illegal Bill
1983	Bradley, Judy Katrina	01-2-5404447	23.52	Error-Illegal Bill
1984	Clary, Damon G.	01-2-5252198	23.08	Error-Illegal Bill
1984	Cooper, William G.	01-2-0014840	36.56	Error-Illegal Bill
1984	Edson, John Daniel	01-2-5457630	22.88	Error-Illegal Bill
1984	Firestone Tire & Rubber	01-1-5009581	288.02	Error-Illegal Bill
1984	Fuller, Linda	01-2-0023759	88.14	Error-Illegal Bill
1984	Gwyn, Danny Reeves & Karen Webb	01-2-5230432	67.02	Error-Illegal Bill
1984	Hamilton, Michael Scott	01-2-5415961	8.26	Error-Illegal Bill
1983	Hayes Barton Laundry & Dry Cleaning	01-1-5012651	184.43	Error-Illegal Bill
1984	Hill, Daniel F. & Margaret Y.	01-2-5260261	85.22	Error-Illegal Bill
1984	Johnson, Charles M., Jr.	08-2-0124773	6.51	Error-Illegal Bill
1984	Johnson, Charles M., Jr.	08-2-0124774	6.51	Error-Illegal Bill
1984	Johnson, Charles M., Jr.	08-2-0124772	4.26	Error-Illegal Bill
1984	Kramer, Milton T/A Oakwood Villa Apts.	13-1-5240118	132.28	Error-Illegal Bill
1984	Lynch, Megan	04-2-5245628	29.51	Error-Illegal Bill
1984	Lynndale Apts. Ltd. T/A Lynnewood Park	01-1-5223538	299.11	Error-Illegal Bill
1984	Moore, Alonzo M. III & Helen R.	07-2-5180034	23.22	Error-Illegal Bill
1984	N.E. Stanley Engineering	07-1-5438352	35.88	Error-Illegal Bill
1984	North Hills Terrace Apts.	01-1-5021682	28.61	Error-Illegal Bill
1984	Owen, Robert S.	01-2-5261735	28.07	Error-Illegal Bill
1983	Pawelka, Richard F.	01-1-5221786	50.97	Error-Illegal Bill
1984	Rockwell, Jane M.	01-2-5261849	31.53	Error-Illegal Bill
1983	SA Associates Ltd.	07-7-5236460	1,307.78	Error-Illegal Bill
1984	Versteeg, William A. & Rebekah S. Binford	13-2-5243606	54.41	Error-Illegal Bill
1984	Wagers, Kevin Ray	01-2-5489844	21.53	Error-Illegal Bill
1984	Wagers, Brenda Jane	01-2-5489843	29.39	Error-Illegal Bill
1984	Wiegand, Frederick G. & Jean H.	01-2-0027308	32.11	Error-Illegal Bill

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 1/15/85

RESOLUTION NO. (1985) 698

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	A-M Leasing Company	01-1-5267632	$ 248,400	Relieved (New for '84)
1984	Neil W. Donahue	01-2-5269370	8,810	Relieved
1984	Henry Otis Lineberger, Jr.	01-2-5470931	7,140	Relieved
1984	Susan Anne MacKenzie	01-2-5471717	2,130	Relieved
1984	David Clark Thompson Susan Anne MacKenzie	01-8-5488166	6,180	Relieved
1984	Edward J. Mroz	01-2-5267285	8,750	Relieved
1984	Chanh Van Nguyen	07-2-5476660	4,700	Relieved
1984	Chanh Van Nguyen	07-8-5476661	8,810	Relieved
1985	Parrish & Associates, PA	07-7-5273120	4,212	Relieved
1984	Rev. Gordon M. Ruff	01-2-5268334	8,010	Relieved
1984	Shepherd Electric Supply Co.	01-1-5102263	600,693	Relieved (Extension granted to April 15. Then forms mailed to CPA instead of County)
1984	Specialized Data Systems, Inc.	01-1-5271700	9,886	Relieved
1984	Joei-Joei Chang Wu	01-2-5269586	2,584	Relieved
1984	Yankee Merchant, Inc.	01-1-5271705	13,600	Relieved
1984	Donna S. Button	07-8-5266742	8,840	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	AMOUNT
1984	Jan Adam T/A Adam Bank Instrument Repair	$ 4,214
1984	Jan Adam	4,198
1984	Jan Adam	3,783
1984	Jan Adam	3,752
1984	Jan Adam	3,521
1985	Chateau II, Inc.	36,621
1984	Chateau II, Inc.	75,000
1984	Prem Chand Gangwal	3,210
1984	Central Tire of N. C., Inc.	137,031
1984	Central Tire of N. C., Inc.	115,648
1984	Central Tire of N. C., Inc.	159,268
1984	Central Tire of N. C., Inc.	3,125

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of City Council.

Adopted: 1/15/85

PRELIMINARY SEWER ASSESSMENT ROLL 1018 - SANDERFORD ROAD PARK - PRELIMINARY RESOLUTION ADOPTED

Preliminary Sewer Assessment Roll 1018 which covers the charges for installation of a sewer main in Sanderford Road Park was presented with recommendation of adoption which would set a public hearing to consider confirmation of charges at the February 5, 1985, Council Meeting. Mr. Calloway moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1985) 699

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SEWER ASSESSMENT ROLL NO. 1018

WHEREAS, by Resolution No. 1983-230 adopted by the City Council on May 3, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property abutting the improvement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed:

PU-1983-4 - Installation of approximately 1,502 feet of eight-inch sewer main beginning at the dead end of the existing main in Sanderford Road Park and extending southward 1,504 feet within an easement.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $19,039.70.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting directly on the improvements. The basis for assessment is property footage abutting the extension.

Section 4. That the following assessments are hereby declared against abutting property as follows: according to the average cost as determined by the City Council under authority contained in Chapter 315 of the North Carolina Session Laws, 1963.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	FRONTAGE ASSESSED	AMOUNT ASSESSED
C. L. Underhill	1	0071998	-	815.76	$ 12,178.10
Joseph C. Elleby & Mazell	2	0020558-9	-	459.63	6,861.60

Section 5. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six percent (6%) per annum from the date of confirmation of the assessment roll, payable annually in the unpaid balance of the assessment.

Section 6. That this Assessment Roll No. 1018 is hereby ordered filed in the Office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 7. That a public hearing will be held on the 19th day of February, 1985 at 1:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North CArolina (or at such other time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 8. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 1/15/85

ANNEXATION - OLDE BROOKHAVEN - CITY CLERK DIRECTED TO CHECK SUFFICIENCY AND SCHEDULE HEARING

The City Clerk indicated she had received a petition for annexation from Danial Stewart Marlowe relating to the annexation of Olde Brookhaven. The next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing if found sufficient. Mr. Keller moved the Clerk's recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ADJOURNMENT

Mayor Upchurch announced the City Council meeting adjourned at 6:50 p.m. The Council went into a joint hearing with the Planning Commission at that time. Minutes of that meeting will be covered by a separate set.

Gail G. Smith
City Clerk

jt/CC3/CC4